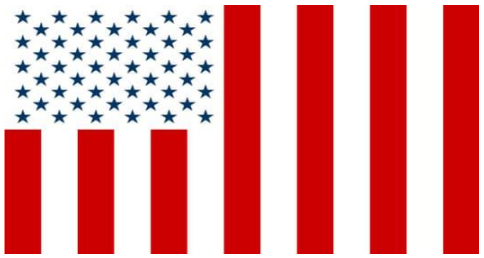


From the Desk of Scott Taggart Roethle, created in the image of my Almighty God, YHWH, KING of Kings, created as flesh and blood soul possessing being known on this earth as Scott Taggart Roethle.
Address: 7819 W XXX Court, Overland Park, Kansas [66223]

Date: April 8, 2024

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA Corp. Fiction)	**Cause: No. 4:21-cr-000465-RLW (SRW)**
)	**CUSIP 949921126**
)	
)	
v.)	
)	
SCOTT T. ROETHLE, Nom De Guerre)	
Accused	

Due to time Constraints, this Paper is Served and Filed in the Court via eFile, with instructions to the Clerk of the Court to distribute to all Entitled Parties. Also served via Regular Mail and via Registered Mail

FILE ON DEMAND

Demand to Dismiss; Challenge to Jurisdiction; Lack of Standing; Intentional Concealment of Material Facts; Fraud(s); Breach of Fiduciary Duty; War Crimes under the Geneva Convention; RICO violations;
Treason under 18 USC 2381 and 18 USC 2382

NOTICE TO THE CLERK OF THE COURT:

18 USC 2071: Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or

destroys, or attempts to do so, documents filed or deposited with any person in any State the deprivation of any rights shall be fined or deposited with any clerk or officer of any court shall be fined or imprisoned not more than three years, or both.
18 USC 2076: Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

Sui Juris, by Special Limited Appearance submitted only via Written Communication, inclusive of the incorporated,

Affidavit of Truth

NOW COMES, Scott Taggart Roethle, a private, living, Sovereign man, created in the image of our Almighty God, Sui Juris, as agent for named-defendant, SCOTT T. ROETHLE, corporate fiction, to declare, affirm, and assert the following in this affidavit of truth in support of this demand to dismiss with prejudice in accordance with the papers and the lawful remedies sought herein, as being true and accurate to the best of my knowledge, and I so affirm in the presence of the omnipotent Supreme Arbiter of Law, Almighty God.

Let the record reflect that peacefully and respectfully exercising my Right to Notice and to Address this court, Right to Due Process, Right to the Opportunity to be Heard, Right to Defend, Right to Life, Liberty and the Pursuit of Happiness are Unalienable Rights, which exercise of said Rights cannot be converted to a crime/sanction/contempt. Miranda v. Arizona, 384 US 436,491. "The claim and exercise of a constitutional right cannot be converted into a crime." Milter v. US, 230 F 486. 489. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. "Simmons v. United States, 39o U.S. 32(196E} "The claim and exercise of a Constitution right cannot be converted into a crime"... "a denial of them would be a denial of due process."

2 Chronicles 19:5-7
He appointed judges in the land, in each of the fortified cities of Judah. He told them, "Consider carefully what you do, because you are not judging for mere mortals but for the LORD, who is with you whenever you give a verdict. Now let the fear of the LORD be on you. Judge carefully, for with the LORD our God there is not injustice or partiality or bribery."

NOTICE TO THE COURT

All assertions, affirmations, and statements I make herein where I assert infringements upon my unalienable, natural rights, and protected rights under the organic Constitution and its Amendments, I remind the court that according to16 Am lur 112, the court has an inescapable duty to protect my rights. "Since a constitution must be obeyed by the judiciary

as well as the other departments of government, and the judges are sworn to Support its provisions, courts are not at liberty to overlook or disregard its commands or countenance evasions thereof. lt is their duty in authorized proceedings to give effect to the existing constitution and to obey all constitutional provisions, irrespective of their opinion as to the wisdom or desirability of such provisions and irrespective of the consequences. Thus, it is said that the courts should be, and are, alert to enforce the provisions of the constitution and guard against their infringement by legislative fiat or otherwise."

Therefore, ANY attempt to deny, ignore, rationalize, justify, circumvent, deprive and violate any of my natural and unalienable rights, as stated in the Declaration of independence, Articles of Confederation, Magna Carta, the Holy Bible, and incorporated in the organic Constitution as rights precedent, by denying or dismissing these substantive papers, submitted on the record, inclusive of all exhibits and affidavits, without Due Process, and in strict adherence to the plain English language of the Rule of Law, and of settled law, based upon the exercise of judicial discretion to rule, prior to a response, point-for-point from the government by alleging things such as.' no legal basis, frivolous filings, misbehavior or disruptive court proceedings, and similar statements SHALL be construed as prima facie evidence this tribunal is in violation of oath of office each public servant has taken to uphold the organic Constitution, is acting in collusion/co-conspiracy with the government against the accused and is a violation and deprivation of my Due Process rights under the Fifth Amendment, among other natural and constitutionally protected Rights. lt is also an act of treason and misprision of treason for not upholding the Rule of Law and oaths taken as public servants. See 18 USC 241 and 242; 18 USC 2381 and 2382. See also 18 U.S.C. section "Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury and shall be fined no more than $2,000.00 or imprisoned not more than five years or both. Maine v. Thiboutot, 448 US, - S. Ct. 1980, "And this Court has emphasized repeatedly that the right to a federal forum in every case was viewed as s crucial ingredient in the federal remedy afforded by section 1983."

MAXIM: An unrebutted affidavit stands as truth and judgment

MAXIM: He who does not deny, admits

MAXIM: An unrebutted affidavit becomes the Judgment in Commerce
Non-rebutted Affidavits are "Prima Facie evidence in the Case"
United States vs. Kis. 658.F. 2d, 526, 536-337 (71" C|LJSIA)

“Silence can only be equated with fraud where there is a legal or moral duty to speak. or where an inquiry left unanswered would be intentionally misleading ..."U.S. v. Tweet 550 F 2d 297-299. See also U.S. Prudden 424 F2d.1021, 1032 Carmine v. Bowen. 64 A 932

Your silence is your acquiescence (agreement. assent acceptance consent. and compliance) See Connally. General Construction Co.269 U.S. 385.397

The organic Constitution is the supreme law of the land, pursuant to the supremacy clause embedded within the document, and affirmed at *Marbury v. Madison 5 U.S. (2 Cranch) 137, 180 (1803).* "In declaring what shall be the supreme law of the land, the Constitution itself first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank." All law (rules and practices) which are repugnant to the Constitution are VOID." Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, liberty, or property, or immunities of citizens of the United States nor deprive any citizen of life, liberty, or property without due process of law ... or equal protection under the law", this renders judicial immunity unconstitutional. *Cook v. Iverson, 122, N. M. 251* "It cannot be assumed that the framers of the [organic] Constitution and the people who adopted it, did not intend that which is the plain import of the language used. When the language of the [organic] constitution is positive and free of all ambiguity, all courts are not at liberty, by a resort to the refinements of legal learning, to restrict its obvious meaning to avoid the hardships of particular cases. We must accept the [organic] constitution as it reads when its language is unambiguous, for it is the mandate of the sovereign power [the Sovereign People]."

Therefore, by what authority does the government presume to have jurisdictional authority in this cause of action when there is no language whatsoever in the organic constitution granting the power to enact the specific statutes and codes under which it obtained this indictment? *Marbury v. Madison, 5, U.S. (Cranch) 137, 174, 176 (1803)Chief Justice Marshall,* "All laws that are repugnant to the [organic] Constitution are null and void." *16 Am Jur 2nd, Sec. 177 late 2d, Sec. 256* "The general rules is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not from the date of the decision to branding it. No one is bound to... obey an unconstitutional law and no courts are bound to enforce it."

Original jurisdiction was conferred to the organic federal government within a defined territorial area as delineated in Article 1 Section 8 Clause 17 of the organic Constitution to wit: "*To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, be Cession of particular States [the several states of the Union], and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;"* That district was to become known to the People as the District of Columbia, and all its territories, ceded enclaves within the several states, and specific areas known as "federal zones" such as the property upon which this courthouse sits. The people who resided within the District of Columbia and its territories, etc. as stated above, were now subject to whatever legislation and laws applied within those territorial boundaries. After the Fourteenth Amendment was passed, those

citizens came to be known as U.S. Citizens, separate and distinct from organic state or national or American state national citizens who were born in and inhabit one of the several states. *People v. Horton 14 Cal. App. 3rd 667 (1971)* "A U.S. Citizen" [legal fiction corporate entity] upon leaving the District of Columbia becomes involved in "interstate commerce", as a "resident" does not have the common-law right to travel, of a Citizen of one of the several states."

Employees of the organic federal district are also subject to its jurisdiction. American state national citizens of the several states who lived outside of the territorial district but who are either employed by the organic federal government or have knowingly, with full disclosure, contracted with the organic federal government are subject to its jurisdiction. However, American state national citizens who do not fall within any of those parameters are not subject to the jurisdiction of the organic federal government.

For the record, I, Scott Taggart Roethle, the living natural man, repudiated the presumed U.S citizenship, of which I had no idea had been ascribed to me at birth, until the last few years, when I learned that the Fourteenth Amended considers me a civilly "dead entity, as found on pages 15641-15646 of the Congressional Record of June 13, 1967. SEE EXHIBIT 1. I sent, via registered mail to the United States Secretary of State, my Affidavit of Repudiation. It was never rebutted; therefore, I cannot be considered a U.S. Citizen. Nor can I be considered to fall under the jurisdiction of the District of Columbia federal zone. I am an American state national of the Republic of Kansas, where I was born and raised. MAXIM Unrebutted affidavit stands as truth in commerce and judgment.

As a matter of law, when challenged, the government must provide proof on the record of all jurisdictional authority. Since this demand for dismissal includes this Affidavit of Truth, the government must also respond, in a like manner, to all assertions herein if it intends to defend its assumptive and presumptive jurisdictional authority. I hereby assert that the government has no authority whatsoever to proceed in this cause of action and the court must dismiss with prejudice in accordance with the papers and the lawful remedies sought herein. I therefore compel the government to submit proof on the record, by rebuttal of every allegation I submit herein if it intends to continue to violate and deprive me of my unalienable natural rights and my protected rights under the organic Constitution and the Amendments. *Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F. Supp* "Court must prove on the record [in a Court-of-Record operating under the Common Law], all jurisdiction facts related to the jurisdiction asserted."

For the federal government to be authorized to submit a plaintiff's claim against an American state national citizen of one of the several states, it must have standing; it must be operating lawfully under the organic Constitution; it must not be in breach of any fiduciary duty to the People. The federal government comprises any public servant who has taken an oath to uphold the Constitution, which, of course, means all public servants within the judiciary (judges and B.A.R.-member attorneys), and the legislative branches of Congress.

As one of the People, I hereby assert and affirm that the federal government is in breach of fiduciary duty on all levels, which breach infringes upon my natural rights and on my rights protected under the organic Constitution. Breach of fiduciary duty happens if a fiduciary, the federal government, and/or its public servants – judges, courts, B.A.R.-member attorneys, behave in a manner that contradicts their duty to the People, and there are serious legal implications. Breach of fiduciary duty does not need to prove fraudulent or criminal intent. A fiduciary duty is a duty or responsibility to act in the best interest of someone else, the People. The public servants, or the federal government, who are duty bound to the People, in a fiduciary relationship, are called a fiduciary. In order for a fiduciary duty to be legally binding, the agreement must be created under the law, by statute or contract, or by factual circumstances of the relationship, such as being based on law.

A fiduciary duty is in place when a relationship with a beneficiary calls for unique trust, or dependability, on the fiduciary to be discrete when acting on behalf of said beneficiary. The fiduciary is obliged to act and has the power to act on behalf of, and for the benefit of, the beneficiary.

When there is an agreement between the People and the federal government, in a fiduciary relationship, it is a breach of fiduciary duty for the fiduciary to behave in any manner that would be construed as against the best interests of the beneficiary, the People. This includes behavior that would benefit the fiduciary with regards to the subject being dealt with. The fiduciary is further obliged to act, for the People, with their fullest capability and care. A fiduciary is expected to behave with the highest standard of integrity and transparency and may not, in any way, benefit personally at the People's expense.

For the purposes of these papers, I assert and affirm that the fiduciary federal government is responsible for the management and protection of money, borders, general welfare, and property as Trustee for the People. A trustee's duty to the beneficiaries of the Trust, or an attorney's fiduciary duty to their client, are all examples of fiduciary duty in action.

I assert, declare, and affirm that the federal government, inclusive of all the public servants that have taken an oath to uphold the Constitution, are in breach of fiduciary duty. As a matter of law, Persons that are in fiduciary duty to the People, and who are cognizant of frauds, and/or breaches of fiduciary duties being perpetrated against the People have a responsibility to report these breaches and frauds or, they are held to be in collusion with those that are perpetrating the frauds or breaches of fiduciary. See *18 USC 241 and 242*.

These papers are dedicated to expose some of the frauds, and breaches of fiduciary duties being perpetrated upon the People, who are the Sovereigns, and the source of the documents that created the fiduciaries' duties. Breach of fiduciary duty removes sovereignty from the federal government and deprives it of standing to bring forth any causes of action against any one of the People, of which, I, Scott Taggart Roethle am one of the People. Therefore, any breach of fiduciary duty by the government inures to me personally as a breach of duty against me, and a violation and/or deprivation of any one of my natural rights as protected by the organic Constitution, and of my protected rights within the organic Constitution and its Amendments. *The Bank of the United States v. Planters Bank of Georgia, 5 L.*

Ed (Wheat) 244, U.S. v. Butt, 309 U.S. 242). **Reference to the UNITED STATES CODE: The government by becoming a corporator, (See 28 USC section 3002(15)(A)(B)(C), 22 USCA 286(e) lays down its sovereignty and takes on that of a private citizen. It can exercise no power which is not derived from the corporate charter.**

Breach of fiduciary duty to the People and intentional concealment of these material facts strip the federal government from all sovereignty. A de facto government that is acting under the Color of Law, in breach of fiduciary duty to the People, as a matter of law, has no power whatsoever to create or to enforce any laws, statutes, codes, regulations, etc. Therefore, all laws, codes, statutes, regulations, etc. this de facto federal government seeks to enforce against this Sovereign Man are unlawful because such enforcement abrogates the mandates of the letter of the law in the organic Constitution. *Marbury's Madison, 5, U.S. (Cranch) 137, 174, 176 (1803).* ALL which are repugnant to the Constitution are null and void. Chief Justice Marshall. *vs Iverson, 122, N.M. 251* "It cannot be assumed that the framers of the constitution and the people who adopted it, did not intend that which is the plain import of the language used. When the language of the constitution is positive and free of all ambiguity, all courts are not at liberty, by a resort to the refinements of legal learning, to restrict its obvious meaning to avoid the hardships of particular cases. We must accept the constitution as it reads when its language is unambiguous, for it is the mandate of the sovereign *power."Perryv. United States. 294 U.S. 330,* 353 *(1935)* "Sovereignty [of Man] itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government [who are not in breach of fiduciary duty to the People], sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power. "...The Congress cannot revoke the Sovereign power of the people to override their will as thus declared.".

Should the court find that the federal government or any one of its public servants that are prosecuting this cause of action are in breach of fiduciary duty, either by intentional concealment of material facts, a fraud, by omission or commission of unlawful acts against me, or by fraudulent representations including word trickery to confound and to render ambiguous the real meaning and intent of his actions or words, it must dismiss with prejudice this cause of action in accordance with the papers and with the remedies sought herein. *Donnelly v. Dechristoforo, 1974.SCT.41709 ¶ 56; 416 U.S. 637 (1974) McNally v. U.S., 483 U.S. 350, 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307 "* Fraud in its elementary common law sense of deceit... includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public... and if he deliberately conceals material information from them [the People] he is guilty of fraud."

Article III of the organic Constitution vests "judicial Power of the United States in one supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour..." "The Trial of all Crimes... shall be by Jury, and such Trial shall be held in

the State where the said Crimes shall have been committed, but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed." In other words, common law crimes are reserved for the several states to adjudicate, and they must follow the common law trial by jury.

Common law is law that is derived from judicial decisions instead of from statutes. American courts originally fashioned common law rules based on English common law until the American legal system was sufficiently mature to create common law rules either from direct precedent or by analogy to comparable areas of decided law. In the 2019 Supreme Court case of *Gamble v. United States*, Justice Thomas issued a concurring opinion discussing common law and, in particular, the role of stare decisis in a common law system [in contrast to statutes]. Though most common law is found at the state level, there is a limited body of federal common law--that is, rules created and applied by federal courts absent any controlling federal statute. In the 2020 Supreme Court opinion *Rodriguez v. FDIC*, a unanimous Court quoted an earlier decision to explain that federal "common lawmaking must be 'necessary to protect uniquely federal interests'" in striking down a federal common law rule addressing the distribution of corporate tax refunds.
https://www.law.cornell.edu/wex/common_law

Article III of the organic Constitution grants the federal government exclusivity in cases of maritime torts or contracts. The Supreme Court has held that, as a matter of statute, federal courts have *exclusive* admiralty jurisdiction over cases in which the plaintiff seeks remedies for maritime *torts or contracts*. However, those cases are *based on civil (i.e. statutory) law* rather than common law. https://www.law.cornell.edu/constitution-conan/article-3/section-2/clause-1/exclusivity-of-federal-admiralty-and-maritime-jurisdiction

Thus, the federal government can bring forth a cause of action against me either in admiralty/maritime, which would be a claim in contract, or it can bring forth a claim against me in common law, which would necessarily be a civil cause of action since a controversy, is not a crime, and the organic Constitution does not empower the federal government to adjudicate criminal acts. "*A controversy is an actual dispute, which refers to one of the underlying requirements to obtain jurisdiction in federal court. U.S Constitution, Article III, section 2, in setting out the powers of the Federal judiciary, grants federal courts the power to hear both certain "cases" and certain "controversies." In framing judicial authority these words also represent limits. For example, the federal courts do not, under Article III, have the power to resolve legal questions that do not arise out of an actual dispute between real parties because no controversy exists. This limit on hearing collusive suits is known as the ban on issuing advisory opinions*. https://www.law.cornell.edu/wex/controversy Nowhere in that definition does it state anything about a "controversy" being a crime.

***United States v. Hudson and Goodwin, 11 U.S. (7 Cranch) 32 (1812),* was a case in which the United States Supreme Court held that Congress has no common law right to adjudicate criminal actions. Since the federal government has no common law right to adjudicate criminal actions, and no such power exists anywhere within the plain English letter of the**

law language within the organic Constitution, such jurisdiction is reserved to the several states, and no real controversy exists. In this case it goes on to state that "Certain implied powers must necessarily result to our courts of justice from the nature of their institution. But jurisdiction of crimes against the state [federal government] is not among those powers ... all exercise of criminal jurisdiction in common law cases we are of opinion is not within their implied powers." In *United States v. Cruikshank, 92 U.S. 542 (18751* The defendants appealed on the grounds that the federal prosecutor had no jurisdiction over this since, according to the Slaughterhouse Cases. prosecuting such [common law] crimes was a state matter. The circuit agreed with the defendants; the supreme Court affirmed, and ordered the prisoners be released.

More recently, in *Bond v. United States, 131 S .Ct. 2355, 180 L. Ed.2d269 (2011)£2011 BL 1583131*. The supreme Court recognized individual sovereignty when it ruled 9-0 that a criminal defendant [a man] - not just states - indicted on charges of violating a federal statute, has standing to challenge the validity of the statute on the ground that it infringes on the powers reserved to the states, and/or to the people under the Tenth Amendment. At common law, the federal government has no power to adjudicate common law crimes.

Bond v. UNITED STATES, 529 US 334 - 2000. **The Supreme court eviscerated the jurisdictional authority of the courts when it held that the American People are in fact Sovereign and not the States or the Government. All American governments, courts and agencies are unconstitutional private for-profit foreign corporations. These corporations have absolutely no authority or jurisdictional power over the sovereign American republic. The court went on to define that local, state, and federal law enforcement officers were committing unlawful actions against the Sovereign People by the enforcement of the laws and are personally liable for their actions. All contracts/agreements containing undisclosed terms and conditions are neither lawful nor enforceable. NOTE: In an attempt to avoid repercussions, the government presented a false case titled *US v. Bond* before the federal appeals court. This reversed the US Supreme Court. There is of course, no body of law that can reverse the US Supreme Court. It's the highest court in America; it is the only court specifically granted judicial power within the body of the organic Constitution, even under their corporate regulations.**

Thus, not only is there no real controversy as defined above, but, at common law, the de jure Congress does not have the authority to create crimes against the de jure federal government, and because the de facto federal government is a corporation, the courts have no judicial power, therefore no controversy exists. See *EXHIBIT D as proof of filing in Delaware of the UNITED STATES OF AMERICA INC. on 04/19/1989.*

Since the federal government is silent in the Indictment regarding what jurisdictional authority it is asserting, I demand the government clearly state and provide proof on the record in a Court-of-Justice, Court-of-Record, of its jurisdictional authority, AND of whether it is assuming jurisdictional authority according to Article III, following the common law, or in admiralty/maritime law, wherein it must then produce on the record, proof of mutually

agreed upon contract, with full knowledge and disclosure aforehand according to the eight elements of contract, guaranteed to me under Article 1, Section 10, Clause 1 of the organic Constitution, of my voluntarily, with full disclosure, having agreed to said contract and jurisdiction. Absent this lawfully obtained contract, as opposed to deceitful/fraudulent tacit procuration or tacit acquiescence contract, this court is barred from proceeding, as those unlawful contracts comprise intentional concealment of a material fact or obtained under duress or coercion. Therefore, they do not comply with the eight elements of contract law, of which I am entitled as a protected right pursuant to Article 1 Section 10 Clause 1 of the organic Constitution. "And that the agency [federal government] committed fraud, deceit, coercion, willful intent to injure another, malicious acts, RICO activity and conspired by; Unconscionable "contract" - *"One which no sensible man not under delusion, or duress, or in distress would make, and such as no honest and fair man would accept."; Franklin Fire Ins. Co. v. Noll,* 115 Ind. App. 289, 58 N.E.2d 947,949,950.

If on the other hand, the government claims Article III common law jurisdiction, the questions then are: Where in the organic Constitution does it state that the crimes stated in the statutes upon which the government obtained the Indictment, are within its enumerated powers? And, where in the organic Constitution does it state that the federal government has the power to convert a controversy or a dispute into a criminal act? And where in the organic Constitution do the enumerated powers allow the government to create a criminal act against the federal government, other than counterfeiting, which it does have as a power, precedent to the organic Constitution and to conform with the duty to create and regulate coinage on behalf of the several states, on behalf of international commerce, and for the People as a monetary instrument for the payment of debt? The government is compelled to offer proof on the record regarding each one of the above questions, for without such proof it lacks jurisdiction and standing. And it is intentionally concealing matters of material fact in an effort to gain unlawful jurisdictional authority, which is a fraud. *HALE v. HENKEL 201 U.S. 43 at 89 (1906)* was decided by the united States Supreme Court in 1906. The opinion of the court states: "The "individual" may stand upon "his Constitutional Rights" as a [several States] Citizen. He is entitled to carry on his "private" business in his own way... "His power to contract is unlimited." [i.e. opting to independent contractor ship instead of typical employment]. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate (sic) him. He owes no duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. "His rights" are such as "existed" by the Law of the Land (Common Law) "long antecedent" to the organization of the State" and can only be taken from him by "due process of law", and "in accordance with the Constitution." "He owes nothing" to the public so long as he does not trespass upon their rights." *Nudd v. Burrows, 91 U.S 426*.

"Fraud vitiates everything" See also *Throckmorton, 98 US 61*: Fraud Vitiates All. *Main v Thiboutot, 100 S Ct. 2502(1980*) "Jurisdiction can be challenged at any time," and "Jurisdiction, once challenged, cannot be assumed and must be decided." *Donnelly v. Dechristoforo, 1974.SCT.41709 ¶ 56; 416 U.S. 637 (1974) McNally v. U.S., 483 U.S. 350, 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307 "* Fraud in its elementary common law sense of deceit... includes

the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public... and if he deliberately conceals material information from them he is guilty of fraud." "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." *Main v Thiboutot, 100 S Ct. 2502(1980)* "Jurisdiction can be challenged at any time," and "Jurisdiction, once challenged, cannot be assumed and must be decided."

Common law crimes are reserved for the several states. The Seventh Amendment brings some clarity to that issue when it states: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of [common law] trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than *according to the rules of the Common Law."* In other words, at common law, financial controversies, or disputes where the controversy was less than twenty dollars were not actionable as a trial by jury. However, nowhere in that Amendment, nor anywhere in the organic Constitution is there any mention of controversies of a financial matter being a "crime" when it exceeds twenty dollars, nor did I find any dictionary that includes the word crime to describe a "controversy." See https://www.law.cornell.edu/wex/controversy A controversy is an actual dispute, which refers to one of the underlying requirements to obtain jurisdiction in federal court. U.S Constitution, Article III, section 2, in setting out the powers of the Federal judiciary, grants federal courts the power to hear both certain "cases" and certain "controversies." In framing judicial authority these words also represent limits. For example, the federal courts do not, under Article III, have the power to resolve legal questions that do not arise out of an actual dispute [controversy] between real parties because no controversy exists.

Not only does the organic Constitution not grant the federal government jurisdiction over common law crimes, and the Seventh Amendment states that controversies exceeding twenty dollars must be adjudicated by common law trial by jury and following the common law, but, because the federal government is not a "real party", it has no standing or is foreclosed from parity with a living, natural man such as me, Scott Taggart Roethle ... a Real People. In 1795, the supreme Court stated at *Penhallow v. Doane's Administrators (3 U.S. 54; 1 L. Ed 57; 3 Dall 54)* Supreme Court of the United States 1795 "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them." I assert and affirm that I am not an artificial person, an abstraction, or a creature of the mind. I am a living, natural man, created of flesh and blood, in the image of Almighty God. Therefore, the federal government has no parity with me and is foreclosed from bringing forth a cause of action against me.

The *Supreme Court case, Clearfield Trust v. United States, 318, US 363-371 demonstrates an example of breach of fiduciary duty to the People*. "Governments descend to the level of a mere private corporation, and take on the characteristics of a mere private citizen... where private corporate commercial paper [Federal Reserve Notes] and securities [checks] is concerned... For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government." In other words, when private commercial paper is used by corporate government, then government loses its sovereignty status and becomes no different than a mere private corporation. As such, government then becomes bound by the rules and laws that govern private corporations, which means that if they intend to compel an individual to some specific performance based upon its corporate statutes or corporation rules (codes, regulations, statutes, etc.) then the government, like any private corporation, must be the holder-in-due-course of a valid and enforceable contract or other commercial agreement between it and the one upon who demands specific performance is made. And, further, the government must be willing to enter the contract or commercial agreement into evidence before trying to get the court to enforce its demands, called statutes, codes, regulations, rules, etc. This case was ruled upon in 1942, which was after the UNITED STATES CORPORATION COMPANY filed its 'CERTIFICATE OF INCORPORATION' in the State of Florida (July 15, 1925). And it was decided AFTER the 'corporate government' agreed to use the currency of the private foreign corporation, the FEDERAL RESERVE. The private currency, the Federal Reserve Note, is still in use today. By what authority can the federal government bring forth this cause of action when it is in breach of fiduciary duty to the People by becoming a foreign corporation, with no authority from the People, and it has lost its sovereignty?

B.A.R.-member attorneys, government servant/prosecutors cannot admit evidence into this court on behalf of the plaintiff, as stated in *Trinsey v. Pagliaro D.C. Pa. 1964229 F. Supp. 647* "An attorney for the plaintiff cannot admit evidence into the court. He is either an attorney or a witness." He cannot wear both hats. Any testimony submitted by the prosecutor/attorney for the plaintiff is hearsay and the prosecutor exposes himself to cross-examination. *United States v. Lovasco (06/09077) 431 U.S. 783, 97 S. Ct 2044, 52 L*. "Manifestly, [such statements] cannot be properly considered by us in the disposition of [a]case." In other words, there must be a competent first-hand witness (a body, a corpus delecti). There must be a real man or woman making the complaint, thereby having standing, and directly bringing evidence before the court. Corporations, such as the UNITED STATES OF AMERICA, are paper and can't testify. Therefore, plaintiff federal government has no standing.

As required at common law, corpus delecti must appear on the record. The government has never produced any evidence of corpus delecti and to provide lawful evidence from the corpus delecti. The government never produced the identity of the corpus delecti (men/women) that I allegedly, knowingly harmed. These failures to provide fundamental elements of what constitutes a crime, following the common law, represents violation and deprivation of my unalienable, natural rights, and my protected rights under the organic Constitution in the Fifth, Sixth, Seventh, and

Fourteenth Amendments. The Sixth Amendment guarantees me the right to confront men or women/witnesses via deposition or interrogatory prior to trial by jury, and to cross examine at trial. Deprivation of protected rights entitles me to dismissal with prejudice in accordance with the lawful remedies sought. *Cruden v. Neale, 2 N.C. 338 2 S.E.* 70 "Corpus delecti consists of a showing of "1) the occurrence of the specific kind of injury and 2) someone's criminal act as the cause of the injury." As stated herein, at common law, the de facto federal government fails to show either 1 or 2 above... unconstitutional concocted crime, or lawful crime against the state [federal government], and no valid injured or harmed plaintiff on the record. *Johnson v. State,* 653, *N.E. 2d 478, 479 (In. 1995)* "State [federal government] must produce corroborating evidence of "corpus delecti," showing that injury or harm constituting crime and that injury or harm caused by someone's criminal activity."

***Gonzalez v. Buist (04/01/12) 224 U.S. 126, 56 L. Ed. 693, 32 S. CT 463* "Under no possible view, however, of the findings we are considering can they be held to constitute a compliance with the statute [common law], since they merely embody conflicting statements of counsel concerning the facts as they suppose them to be and their appreciation of the law which they deem applicable, there being, therefore, no attempt whatever to state the ultimate facts by a consideration of which we would be able to conclude whether or not the judgment was warranted." *Holt v. United States, (10/31/10) 218 U.S. 245, 54 L. Ed. 1021, 31 S. Ct. 2* "No instruction was asked, but, as we have said, the judge told the jury that they were to regard only the evidence admitted by him, not the statements of counsel." Since no "real" man or woman has come forth as plaintiff, with firsthand valid testimony alleging harm perpetrating upon him/her from me, at common law, there is no crime.**

Porter v. Porter, (N.D., 1979) 274 N.W. 2d 235 **"The practice of an attorney [prosecutor] filing an affidavit on behalf of his client asserting the status of that client is not approved, inasmuch as not only does the affidavit become hearsay, but it places the attorney [prosecutor] in a position of witness thus compromising his role as advocate." *Frunzar v. Allied Property and Casualty Ins. Co., (Iowa 1996) 548 N.W. 2d 880*** **"Professional statements of litigants attorney [prosecutor] are treated as affidavits, and attorney [prosecutor] making statements may be cross-examined regarding substance of statement." (Therefore, unless the prosecutor has first-hand knowledge, his testimony in brief or in argument is hearsay and inadmissible.) *Oklahoma Court Rules and Procedure, Federal local rule 7.1(h)* "Factual statements or documents appearing only in briefs shall not be deemed to be part of the record in the case, unless specifically permitted by the Court." In other words, there must be testimony from a man or a woman who suffered a harm and is available to depose, confront, and cross-examine, pursuant to the Sixth Amendment.**

At common law, for a cause of action to be actionable, a man or woman (corpus delecti) must bring forth an affidavit/statement alleging injury in fact perpetrated by the accused. *Jorgensen v. State, 567 N.E.2d 113, 121*. "To establish the corpus delecti, independent evidence must be presented showing the occurrence of a specific kind of injury and that a criminal act was the cause of the injury." *Sherer v. Cullen 481 F. 945* "For a crime to exist,

there must be an injured party (Corpus Delecti). There can be no sanction or penalty imposed on one because of this Constitutional right." *People v. Lopez, 62 Ca. Rptr.47, 254 C.A. 2d 185*. Supreme courts ruled "Without Corpus Delecti there can be no crime" "In every prosecution for crime it is necessary to establish the "corpus delecti". i.e. the body or elements of the crime." *Johnson v. State, 653 N.E.2d 478, 479 (Ind. 1995)*. "State [federal government] must produce corroborating evidence of "corpus delecti," showing that injury or harm constituting." By what authority can the federal government bring forth a criminal action when it has no constitutional mandate to adjudicate common law crimes; it has no power to create crimes against the federal government, See *U.S. v. Hudson and Goodwin;* it is in breach of fiduciary duty; and it has committed fraud against the People and treason against the organic Constitution?

As a matter of law, when judges are enforcing mere statutes, they are not acting judicially, as stated in *Owen v. City, 445 U.S. 662; Bothke v. Terry, 713 F2d 1404* "When enforcing mere statutes, judges of all courts do not act judicially (and thus are not protected by "qualified" or "limited immunity,") - but merely act as an extension as an agent for the involved agency but only in a "ministerial" and not a "discretionary capacity ... "*Thompson v. Smith, 154 S.E. 579, 583; Keller v. P.E., 261 US428; F.R.C. v. G.E., 281, U.S. 464.* Therefore, this tribunal would not be a Court of Justice, or Court of Record following the common law, as required in Article III, and in the Seventh Amendment, thus violating my right to a court of record and court of justice that follows the common law. A court of record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate/judge designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. *Jones v. Jones, 188, Mo. App. 220, 175 S.W. 227, 229; Ex Parte Gladhill, 8 Metc. Mass. 171, per Shaw, C. J. See Ledwith v. Rosalsky, 244 N.Y. 406 155 N. E, 688, 689.* When the court is not following the common law, it is in breach of fiduciary duty to protect my rights as one of the People, thus entitling me to dismissal with prejudice.

In point of fact and at law governments are artificial manifestations. Codes, statutes, regulations etc. that do not apply to Sovereign Man. *Flournoy v. First National Bank of Shreveport, 197 LA 1057-3 So. 2d 244,248*. A "Statute is not a Law ... A "code" or Statute is not Law." A "CODE" is NOT a law! – *In Re Self v. Rhay, Wn. 2d 261*, In point of fact ... "The common law is the real law, the Supreme Law of the land, the codes, rules, regulations, policy and statutes are "not the law". "The Common Law is the real law, Supreme Law of the land. The codes, rules, regulations, policy and statutes are "not the law". They are the law of government for internal regulations, not the law of man, in his separate but equ[e]al station and natural state, a sovereign foreign with respect to government generally;" *Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803)* "... Once again, we are not of like kind, precluding any jurisdictional authority.

This fact and truth is affirmed in (Rodriques v, Ray Donavan, U.S. Department of Labor, 769 F.2d 1344,1348 (1985) **"No provision of the Constitution is designed to be without effect." "Anything that is in conflict is null and void of law." "Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certain our forefathers had intended that the supreme Law would be the basis of all law and for any law to come in conflict would be null and void of law, it would bare [bear] no power to enforce, it would bare [bear] no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no Citizens are bound to obey it. It operates as a near nullity or a fiction of law" ... "All codes, rules, and regulations are for government authorities only, not human/Creators in accord with God's Laws.**

All codes, rules, and regulations are unconstitutional and lacking due process of law..." "lacking due process of law, in that they are "void for ambiguity" in their failure to specify the statutes applicability to "natural persons", otherwise depriving the same of fair notice, as their constitution by definition of terms aptly identifies the applicability of such statutes to "artificial or fictional corporate entities or "persons", creatures of statute, or those by contract employed as agents or representatives, departmental subdivisions, offices, and property of the government, but not the "Natural Person" or American citizen Immune from such jurisdiction of legalism."

Unless the federal government can offer proof on the record that it has overcome all the common law hurdles and that is not in breach of fiduciary duty to the People, then it has no jurisdictional authority in this cause of action. Thus, since I, Scott Taggart Roethle am not a "person" defined elsewhere as a corporation, nor am I a creature of statute, such as the capitalized version of my in vivo persona, nor am I employed by contract as an agent, or representative, or departmental subdivision., or property of the government, nor a fictional or corporate entity, but I am a Natural Living Person, and an American state national citizen inhabiting the land of one of the several states, that of the Republic of Kansas, immune from such jurisdiction or legalism, by what authority does the government presume jurisdictional authority over me?

Telephone Cases, Dolbear v. American Bell Telephone Company, Molecular Telephone Company v. American Bell Telephone Company, American Bell Telephone Company v. Molecular Telephone Company, Clay Commercial Telephone Company v. American Bell Telephone Company, People's Telephone Company v. American Bell Telephone Company, Overland Telephone Company v. American Bell Telephone Company, (PART TWO OF THREE) (03/19/88) 126 U.S. 1, 31 L. Ed 863, 8 S. Ct. 778 **"Care has been taken, however, in summoning witnesses to testify, to call no man whose character or whose word could be successfully impeached by any methods to the law. And it is remarkable, we submit, that in a case of this magnitude, with every means of resource at their command, the complainants [plaintiff federal government], after years of effort and search in near and in the most remote paths, and in every collateral by-way, now**

rest the charges of conspiracy and of gullibility against these witnesses only upon the bare statements of counsel. The lives of all the witnesses are clean, their characters for truth and veracity un-assailed, and the evidence of any attempt to influence the memory or the impressions of any man called, cannot be pointed out in this record." On what authority does the government presume to bring forth this action against me with no man or woman with firsthand testimony that he/she has been harmed by my alleged criminal activities? The federal government cannot speak, it cannot testify, it cannot bring forth any testimony because it is an artificial entity with no ability for me to depose, confront or cross-examine, pursuant to my due process rights and my Sixth Amendment protected rights.

Therefore, all information that has been submitted into the record that has not come from the plaintiff via affidavit, as firsthand witness, and the individual party alleging concrete and particularized injury, as having sustained injury in fact, is inadmissible as it is all hearsay. MAXIM: Truth is expressed in the form of an affidavit. MAXIM: An unrebutted affidavit stands as truth in the matter. *United States v. Hudson and Goodwin, 11 U.S. (7 Cranch) 32 (1812),* "Certain implied powers must necessarily result to our courts of justice from the nature of their institution. But jurisdiction of crimes against the state [federal government] is not among those powers ... all exercise of criminal jurisdiction in common law cases we are of opinion is not within their implied powers." By what authority does the federal government presume and assume jurisdiction when it has not presented one iota of firsthand testimony directly from the plaintiff and it has no jurisdictional authority to prosecute common law crimes, and it has no power to assume jurisdiction of crimes against the state [federal government] and the prosecutor is barred from presenting evidence as it would be hearsay?

I remind the court that the only testimony upon which you can render a decision is that which is presented by qualified witnesses via affidavit or sworn oral testimony, by the plaintiff himself via affidavit or sworn oral testimony, and by me, the accused, via this affidavit of truth. As a matter of law, if the prosecutor elects not to respond, point for point to the assertions and allegations within these papers, you must only consider that which is in front of you in these papers, and render a ruling in my favor in accordance with the papers and the remedies sought herein. *Scheuer v. Rhodes, 416 U.S. 232, 94 S. ct 1683, 1687 (1974)* Note: By law, a judge is a state officer [servant]. The judge then acts not as a judge, but as a private individual (in his person). When a judge acts as a trespasser of the law, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges' orders are not voidable, but VOID, and of no legal force or effect. The U.S. Supreme court states that "when a state [federal] officer acts under a state [federal] law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

***U.S. Supreme Court TransUnion v. Ramirez June 25, 2021,* clarified what injury-in-fact plaintiffs must show to have standing to assert statutory rights in federal court. This follows**

the Court's 2016 decision in *Spokeo v. Robins*, in which it held "concrete harm" was required to pursue claims under the Fair Credit Reporting Act and other privacy statutes in federal court, but left open how to determine if a harm was sufficiently concrete. Justice Kavanaugh wrote for the majority that Article III standing, a prerequisite for federal court jurisdiction, is rooted in the separation of powers doctrine, "woven into" the Constitution. Without an individual injury, the Court held, it is within the Executive Branch's discretion to decide how aggressively to pursue legal action against "regulatory" defendants. "Private plaintiffs are not accountable to the people and are not charged with pursuing the public interest in enforcing a defendant's general compliance with regulatory law." "Statutory [privacy] claims, and Article III requires a "concrete and particularized injury" that is not satisfied. In *Spokeo*, the Court made clear that mere procedural violations are not enough to support "whenever a statute grants a person a statutory right and purports to authorize that person to sue to vindicate that right." Five years after *Spokeo*, the *TransUnion* decision clarified that a concrete injury necessary for standing is one with a close relationship to harms traditionally recognized as providing a basis for lawsuits in American courts. The Court recognized that Congress's views "may be instructive" on this question of fact, when Congress decides to elevate de facto harms that were not previously cognizable at law into legal harms, but Congress cannot simply "enact an injury into existence" that did not exist in fact prior to the law." Therefore, where does the federal government, at common law derive its authority to create crimes against the government?

United States v. Texas, 599 U.S 2023 **Citing common law and Article III as opposed to statutory rules and regulations, "Texas and Louisiana lack Article III standing to challenge the Guidelines. To establish standing, a plaintiff must show an injury in fact caused by the defendant and redressable by a court order. The alleged injury must "be legally and judicially cognizable." There is no precedent, history, or tradition of federal courts entertaining lawsuits of this kind; a plaintiff lacks standing to bring such a suit "when he himself is neither prosecuted nor threatened with prosecution." Since the federal government cannot be prosecuted of a crime, it has no standing; it has no threat, and it can act mercilessly and ruthlessly against the People if it so chooses, depriving me of my right to due process and of my natural rights to life, liberty and the pursuit of happiness from a dead, artificial entity with no standing and who is in fiduciary breach to the People.**

For the federal government to have authority to bring forth an action against me, plaintiff must have Standing in Federal Court. Federal courts only have constitutional authority to resolve actual disputes or controversies as stated in the Seventh Amendment. *In Lujan v. Defenders of Wildlife (90-1424), 504 U.S. 555 (1992),* the Supreme Court created a three-part test to determine whether a party has standing to sue. The first of the three-part test is that: "The plaintiff must have suffered an "injury in fact," meaning that the injury is of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent. *Spokeo, Inc. v. Robins, 578 U.S. 330 (2016*), was a United States Supreme Court case in which the Court vacated and remanded a ruling by United States Court of Appeals for the Ninth Circuit on the basis that the Ninth Circuit had not properly determined whether the plaintiff has suffered an "injury-in-fact" when analyzing whether he had standing to bring his case in federal court. The

standard for an injury-in-fact is found in *United States v. Texas, 599 U.S_2023* Citing common law and Article III as opposed to statutory rules and regulations, "Texas and Louisiana lack Article III standing to challenge the Guidelines. To establish standing, a plaintiff must show an injury in fact caused by the defendant and redressable by a court order... "a plaintiff lacks standing to bring such a suit "when he himself is neither prosecuted nor threatened with prosecution."

In 1819 the "missing" 13th Amendment, prohibiting public servants from receiving foreign titles of nobility or any other emolument from a foreign power was passed, in harmony with the organic Constitution at "Article 1, Section 9, Clause 8, No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State. The letter of the law is self-explanatory. While the current versions of the de facto Constitution does not reflect the original 13th Amendment, it is still the law of the land because it was indeed passed by 13 Union states by the year 1819, as reflected in numerous official publications, and it has never been repealed. The 13th Amendment's validity was affirmed as having been authentically passed and ratified in 2004, by the Nevada state court, superior court common law venue original jurisdiction united States of America Nevada Republic (organic) "Findings of Fact" and in "*MILITARY LAWS of the UINTED STATES authorized by Secretary of War, John C. Calhoun, which decision cannot be reviewed by any other court of the land, published in Washington, D.C". See* EXHIBIT 2

As further proof of its existence and its validity as still being the law of the land, on or about March 20, 2013, the New Hampshire Legislature passed HB 638, recognizing the Article XIII, known by a few as: "*The Missing 13th Amendment,"* missing from the organic Constitution. The fact and Truth is that the organic Constitution was treasonously altered to reflect a fraudulent copy of the original organic Constitution. *16 Am Jur 2nd Section 178* "The general rule is that an unconstitutional act of the Legislature protects no one. It is said that all persons are presumed to know the law, meaning that ignorance of the law excuses no one; if any person acts under an unconstitutional statute, he does so at his peril and must suffer the consequences." Therefore, ignorance of this fact does not excuse him from said knowledge. Public servants in this setting are compelled to follow the letter of the law, or be held in breach of fiduciary duty to the People, or worse.

This valid law of the land, 13th Amendment reads: "If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

The ramifications of this matter of fact, and law are vast. As a matter of fact, and law, the legitimacy of the original 13th Amendment invalidates any laws whatsoever that have been

passed by any seated congressmen/legislators since the date it was ratified because most of the congressmen are B.A.R.-member attorneys, who have been granted the acronym, Esq. or Esquire, as a title of nobility by the Crowne of England as an emolument and to whom the they surreptitiously swear their allegiance.

The organic Constitution requires all public servants take an oath to the organic Constitution. *MAXIM*: A servant cannot serve two masters. As a matter of law, accepting a title of nobility is a treasonous act. Any laws, statutes, codes, regulations "enacted" by congress or by any one of the several states' legislatures are therefore void ab initio, irrespective of whether those "laws" can be construed as being in harmony with the organic Constitution because the legislators, judges, attorneys etc. violate the law of the land, thus supplanting the "laws'" conformity to the organic Constitution. I remind the court of *Scheuer v. Rhodes;* *Merritt v. Hunter, C.A. Kansas 170 F2d 739* "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." *Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958).* "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." *Williamson v. U.S. Department of Agriculture, 815 F. 2d 369, ACLU Foundation v. Barr, 952 F. 2d, 457, 293 U.S. App. D.C (1991); Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958).* "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." *Williamson v. U.S. Department of Agriculture, 815 F. 2d 369, ACLU Foundation v. Barr, 952 F. 2d, 457, 293 U.S. App. D.C. 101, (CA De 1991)* "It is the duty of all officials whether legislative, judicial, executive, administrative, or ministerial to so perform every official act as not to violate constitutional provisions."

Schware v. BoardSchware v. Board of Examiners of NM 353 U.S. 232, 239 (1957) **held that "Attorneys cannot represent any private citizen nor any business as the State [federal government] cannot license the practice of law" Equal protection under the law of the 14th Amendment allows that anyone may practice law…." On what authority do B.A.R.-member attorneys assume the right to defend or to prosecute any private citizen, such as me, Scott Taggart Roethle? See also *7 Corpus Juris Secundum Section 4.* The defense attorneys that I fired for cause, fraud, swindle, and ineffective assistance of counsel violated my natural rights, my due process rights, and other rights under the organic Constitution, especially, but not limited to the Fifth and Sixth Amendments, as well as my protected right to valid contract under the Contract Clause of the organic Constitution. Attorneys have a fiduciary duty to provide lawful assistance of counsel. Being officers of the court, supervisory responsibility inures to the court to hold them accountable. An attorney who holds himself out to be a licensed attorney to the public is committing fraud via intentional concealment of this material fact, a fraud, entitling me to recover attorney's fees paid to him via Order from the court for immediate reimbursement. Violation of Constitutional and unalienable rights constitute the right to dismissal with prejudice in accordance with the papers and with the remedies sought herein.**

7 Corpus Juris Secundum Section 4: Attorney & Client ***defines*** **the duty of B.A.R.-member attorneys, and it does not include a primary duty of the client (me), as we are all led to believe, thus**

intentionally concealing a material fact, a fraud. "His first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes to an officer of the court in the administration of justice, the former must yield to the latter." … "A client is one who applies to a lawyer or counselor for advice and direction in a question of law or commits his cause to his management in prosecuting a claim or defending against a suit in a court of justice, one who retains the attorney, is responsible to him for the management of the suit; one who communicates facts to an attorney expecting professional advice. Clients are also called "wards of the court" in regard to their relationship with their attorneys." "Wards of court: Infants and persons of unsound mind placed by the court under the care of a guardian." *Sims v. Aherns 271 S.W. 720 (1925)* "The practice of law is an occupation of common right." *Brotherhood of Trainmen v. Virginia State Bar (377 U.S. 1); Gideon v. Wainwright 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425* "Litigants may be assisted by unlicensed layman during judicial proceedings." *NAACP v. Button (371 U.S. 415), United Mineworkers of America v. Gibbs (383 U.S. 715); Johnson v. Avery 89 S. Ct. 747 (1969)* "Members of groups who are competent nonlawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law."

Given that the legislators and the B.A.R.-member attorneys in this court are warring against the organic Constitution, thus committing acts of treason, that fact makes the court itself non-constitutional. *State v. Batson, 17 S.E. 2D 511, 512, 513* "No action can be taken against a sovereign [man or woman] in the non-constitutional courts of either the united states or the state [federal] courts and any such action is considered the crime of Barratry. Barratry is an offense at common law and a RICO violation, and human trafficking." Thus, the federal government has been in breach of fiduciary duty to the People since at least 1819, therefore losing its sovereignty, and rendering all laws passed and enforced by the federal government null and void ab initio.

The B.A.R. associations have no legislative authority to have been created. They are private corporations. There is no Statute-at-Large creating any B.A.R. association. Yet, they deceive the People into believing that attorneys are licensed, and they are to be trusted. Where in the Statutes-at-Large were attorneys/lawyers, most especially Crown Temple B.A.R. Attorners ever given the constitutional authority to practice law in the courtroom? Yet, I am deprived of "representation" by anyone other than a B.A.R.-member in this tribunal, constituting prima facie evidence of a violation of my Sixth Amendment right to assistance of counsel.

These are intentional concealments of material facts, or fraud "And that the agency [attorneys, courts, federal courts] committed fraud, deceit, coercion, willful intent to injure another [via unlawful indictments], malicious acts [to deprive me of natural and protected rights to life, liberty and the pursuit of happiness] , RICO [via Barratry] activity and conspired by; Unconscionable "contract" - *"One which no sensible man not under delusion, or duress, or in distress would make, and such as no honest and fair man would accept."; Franklin Fire Ins. Co. v. Noll,* 115 Ind. App. 289, 58 N.E.2d 947,949,950. Fraud by government servants is a breach of fiduciary duty to the People, and constitutes a deprivation of constitutionally protected rights, thus entitling me to dismissal with

prejudice in accordance with the remedies sought herein.

The fraudulently "presumed" quasi-contractus that attempts to bind me with the de facto federal government, its de facto courts and its unconstitutional B.A.R.-member attorneys, is void for fraud ab initio since the de facto federal government cannot produce the material fact whereby I knowingly and voluntarily agreed to enter this unconscionable contract, which was unlawfully presumed by the federal government via tacit acquiescence or tacit procuration. Pursuant to the organic Constitution, I am free to contract and to rescission contract upon knowledge of fraudulent inducement. *Berry v. Stevens, 1934 OK 167 31 P. 2D 950* "Fraud in the procurement of any written instrument [and/or via tacit acquiescence or tacit procuration] vitiates it in the hands of one seeking to benefit thereby, Fraud destroys the validity of everything into which it enters. It vitiates the most solemn contracts, documents, and even judgments. Fraud, as it is sometimes said, vitiates every act." *See also Throckmorton, 98 US 61* "Fraud vitiates all." Fraud entitles me to dismissal with prejudice. A valid contract includes consideration. Where is the consideration for this adhesion contract? Where is the jurisdictional authority upon which it has presumed and assumed jurisdiction authority? (SEE: *Master I Servant [Employee]Relationship* -- *C.J.S.) "Personal, Private, Liberty"-*

By what authority can the federal government via its public servants that are B.A.R.-member attorneys, in violation of the original 13th Amendment, be afforded standing to bring forth this cause of action? Let the record reflect that I, Scott Taggart Roethle, hereby rescission ALL contracts (written or presumed tacit acquiescence, tacit procuration) upon which this tribunal may have attempted to assume personal or subject matter jurisdiction. It is my right under the organic Constitution to enter contracts, and to rescission an unconscionable or an unlawfully obtained contract upon my knowledge of said fraudulent act having been taken against me.

In 1871 the federal government committed treason against the People when it usurped the authority of the organic federal government and passed the Organic Act of 1871 in which it changed the form of government of the Republic from a Republican form of government, as mandated in the organic Constitution at "Article 4 Section 4 to a foreign corporation. *SEE EXHIBIT 3 ORGANIC ACT OF 1871 PAGE 419, and see 28 USC Section 3002, 15(A)* "United States means a Federal Corporation." In a recent interview with General Mark Milley on March 20, 2024, where he testified regarding Afghanistan, he confirmed that the United States is a corporation, that we currently have two presidents, and that the current Congress is the Board of Directors of the corporation. Video of General Milley's testimony : https://www.youtube.com/watch?v=-E8Kt3hy9Rk (begin at 30:20 to 30:58) By what organic Constitutional mandate did the de jure congress convert the federal government into a foreign federal government in relation to the several states and to American state national citizens of the several states? That act represents an act of treason, and of breach of fiduciary duty to the People, rendering the de facto federal government devoid of sovereignty. A government with no sovereignty has no power to enact or to enforce any laws

whatsoever against the People of the Republic.

In 1913 in a secret meeting at Jekyll Island off the coast of Georgia a group of American bankers and foreign dignitaries convened and created the Federal Reserve, which Act was unlawfully and treasonously ratified while congress was on Christmas recess, on December 23, 1913. Despite what most people believe, the Federal Reserve is not a federal agency. It is a foreign for-profit corporation owned and operated by foreign dignitaries with its own Federal Reserve Board of Governors and a Duns number of 001959410. The Federal Reserve effectively took over the organic federal government's mandate to coin and regulate the monetary instruments for use by the several states, by the People and by the federal government as the instrument of monetary exchange to make debt payments. The paper money (fiat) changed names from United States Notes to Federal Reserve Notes of FRNs. From that moment forward the monetary mandate for the federal government to coin and regulate the monetary instruments of the federal government was surreptitiously delegated to a foreign corporation, once again, rendering the federal government in breach of fiduciary duty to the People, and in treason.

With no authority or knowledge provided to the People, In Senate Report 93-549 it reads (The United States has been under dictatorial control since March 9, 1933. Report of the Special Committee on the Termination of the National Emergency Senate Report 93-549, War and Emergency Powers Act, November 19, 1973, Foreword" Since March 9, 1933, the United States has been in a state of declared national emergency... These proclamations give force to 470 provisions of Federal Law. These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by Congress, which affect the lives of American citizens in a host of all-encompassing manners. The vast range of powers, taken together, confer enough authority to rule the country without reference to normal Constitutional processes. Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production' seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all Americans." This treasonous act constitutes breach of fiduciary duty to the People. By what authority can the federal government assume powers normally delegated to the congress and deprive the People of our protected rights?

EXHIBIT 4 and 4A, on March 17, 1993, Vol. 33, page H-303 the *United States Congressional Record* reflects Speaker-Rep. James Traficant, Jr (Ohio) addressing the House wherein he speaks about the Emergency Banking Act March 9, 1933, 48 Stat. 1, Public Law 89- 719. "Mr. Speaker, we are here now in Chapter 11... Members of Congress are official trustees presiding over the greatest reorganization of any Bankrupt entity in world history, the U.S. Government. We are setting forth hopefully, a blueprint for our future. There are some who say it is a coroner's report that will lead to our demise." In that same speech, James Traficant confirms that HJR 192, 73rd Congress in session June 5, 1933, suspended the Gold Standard and abrogated the Gold Clause which dissolved the Sovereign Authority of the United States and the official capacities of all United States Government Offices, Officers,

and Departments and is further evidence that the United States Federal Government exists today in name only. He stated that the receivers of the United States Bankruptcy are the International Bankers, via the United Nations, the World Bank and the International Monetary Fund. He stated that all Officers, Officials and Departments are now operating within a de facto status in name only under the Emergency War Powers. With the Constitutional Republican form of Government now dissolved, the receivers of the Bankruptcy have adopted a new form of government for the United States. This new form of government is known as a Democracy, being an established Socialist/Communist order under the new governor for America. The Act was instituted by transferring and/or placing the office of the Secretary of Treasury to that of the Governor of the International Monetary Fund... Mr. Traficant continued by stating that We the People no longer have any "money". Most Americans have not been paid any "money" for a very long time, perhaps not in my entire life. If this is not a breach or fiduciary duty to the People, I don't know what is! Yet, we have never been told any of this due to intentional concealment of material facts, fraud, and treason for not upholding the organic Constitution, and an unconscionable and egregious act against the People, thus making my "money" nothing more than a debt instrument, worthless, depriving me of my constitutional right to gold and silver asset backed monetary instruments.

On May 23, 1933, Congressman, Louis T. McFadden... See *EXHIBIT 5* ... brought forth formal charges against the Board of Governors of the Federal Reserve Bank system (private corporation) The Comptroller of the Currency and the Secretary of United States Treasury for numerous criminal acts, including but not limited to, CONSPIRACY, FRAUD, UNLAWFUL CONVERSION, AND TREASON. The petition for Articles of Impeachment was thereafter referred to the Judiciary Committee and has YET TO BE ACTED ON!!! By what authority does the government believe it has standing to bring forth any causes of action whatsoever against me when it has breached the most solemn of fiduciary duties by committing treason and doing whatever it can to continue to conceal it to this very day, and it attempts to deprive me of my natural rights to life, liberty and the pursuit of happiness, and my protected rights under the organic Constitution as well as its Amendments!!!

More recently, the federal government is in breach of fiduciary duty by not protecting the southern border of our Republic, pursuant to its duty to protect against invasion under the Article 4 Section 4 of the organic Constitution, and allowing foreign invaders to breach the borders of the several states, such as Arizona, California, and Texas, and facilitating the invaders by paying them monthly stipends, providing free housing and medical care, and free transportation anywhere within the 50 states where these invaders seek to go. This breach of fiduciary duty is unconscionable because it places American state national citizens of the several states in harm's way and it unlawfully allocates American's tax money to foreign invaders! By what authority does this treasonous federal government believe it can bring charges against me, an American state national citizen of the Republic of Kansas when it is committing treasonous acts against the People, and is in breach of fiduciary duty?

HJR 192 outlaws the simple act of us "paying with real money" in favor of debt instruments

known as Federal Reserve Notes, from a foreign, private for-profit corporation, a felony by submitting the lawyer's parlor trick of "discharging" debts. By what authority did the federal government abrogate its organic Constitution's mandate under Article 1 Section 8, Clause 5 to coin money, regulate the value thereof, and of foreign coin, and fix standard weights and measures? More recently, the federal government has allowed the use of a new form of money exchange such as Bitcoin, with no regulation whatsoever, in breach of fiduciary duty to the People pursuant to Article 1, Section 8, Clause 5, thereby endangering the money supply and the investments relied upon by the People.

At *EXHIBIT 6* On December 22, 2017, the Hon. Jim Hardesty received a Memorandum and Order for Formal Prosecution for Black-op Attack of September 11, 2001 and "Uranium One" from COMMON GRAND JURY. Named in that Memorandum are congressional and other public servants such as Richard Cheney, Brent Snowcroft, John Brennan, John Ashcroft, Robert Mueller, George W. Bush, George H.W. Bush, Kevin Spacey, Barack Obama, Peter Munk, Condoleezza Rice, George Soros, John Kerry, David Rockefeller, Hillary Rodham Clinton, in relation to the purported black-op attacks of September 11, 2001 (9/11) as being "yet another superseding indictment concerning those events" alleging treason. While I am not privy to the outcome of this "sealed" case, the fact that it mentions a superseding indictment, one can "assume" that there was an ongoing cause of action. One would have to be living under a rock not to know that many of these public servants were indeed involved in and committed treason. The federal government has a fiduciary duty to protect the People from treasonous acts, especially from those that literally run the affairs of the federal government and are in positions of fiduciary duty.

The organic Constitution, at Article 1, Section 8, Clause 1 mandates the federal government to provide for the "general welfare" of the People. Failure to provide that standard of care constitutes breach of fiduciary duty, at the very least. Depending on the severity of the deviance from that provision, it might rise to the level of treason and of crimes against humanity.

I assert and affirm that the federal government has acted in collusion with foreign agents and with mal-intended Americans to create, and then to monitor the People who are infected with COVID-19 as far back as 2015. I also assert and affirm that the federal government has acted in collusion with mal-intended people to develop weapons of mass destruction to unleash upon humanity. Evidence of these statements is found in *Exhibit 7 a compilation of several patents found at the United States Patent Office, a non-governmental for-profit corporation, acting under the Color of Law as if it were a federal agency*. These patents create at least circumstantial evidence that the inventions therein have been manufactured and unleashed upon the People of the Republic as well as internationally, in violation of the Geneva Conventions and reminiscent of the Nuremberg trials crimes against humanity.

Patent US 2020/0279585 A1 received its provisional application status on October 13, 2015. This patent, owned by Richard A. Rothchild, a foreign agent from London, describes a system and method for testing for COVID-19, which the People have been led to believe was a

naturally occurring, NOVEL virus emanating from monkeys in China in late 2019. Not only was COVID19 known as a pathogen since at least in 2015, but a simple and non-invasive testing apparatus was readily available, as opposed to the invasive DNA-collecting test far up one's noses.

Patent US 11 107588 is for a technology to connect the "internet of things" via Graphene Oxide in the MRNA injections with Satellite and Cell Phone towers across the world. Please explain to me how nefarious this technology can possibly be? And what would be the purpose of such technology but to somehow control the behavior of the People without their consent or knowledge, a clear violation of our constitutional rights to privacy, and security, and safety in our bodies, and in the unalienable rights to pursuit of life, liberty and the pursuit of happiness unencumbered by secretive control or manipulation?
The descriptions of publications found on page 3 of the Exhibit demonstrate that as far back as 2017 there was significant activity and research being done on SARS MERS CoV. But, wait wasn't COVID-19 a novel virus?

US Patent 11 107 588 B2 issue to a foreign agent, describes methods to *anonymously* select "subjects" for treatment against an infectious disease. Whatever happened to informed consent and full disclosure in accordance with the Geneva Conventions?

US Patent 8, 691,563 B2 issued in 2014, describes the injection of pathogenic RNA viruses, particularly yellow fever and Venezuelan equine encephalitis virus to initiate production of progeny attenuated viruses in the tissues of the vaccine recipient. Does this sound like a crime against humanity?

In a Supreme Court case in 2013, *Association for Molecular Pathology v. Myriad Genetics, Inc. it held that the patenting of complementary DNA, which contains exactly the same protein-coding base pair sequence as the natural DNA, is ok! What could possibly go wrong?!*

US Patent 8,757,552 B1 issued to one Rick Martin of Longmont, Colorado in 2013 eerily describes the kind of technology that it appears was used in the Paradise California fires a few years ago, and more recently, in Lahaina, Maui, Hawaii, where building selectively burn to the ground while the adjoining structures and/or trees etc., remain intact with no sign of fire damage. The abstract describes Intercontinental Ballistic Missiles (ICBM) with a microwave or laser collector. In the summary at number 40 and 45, respectively it describes the technology as the coordination of a "death star" "to create a non-nuclear weapon of mass destruction." With ability to "direct several cells' microwave energy onto a target, thus, the heat can be turned up gradually."

By what organic Constitutional mandate is the federal government authorized to approve patents, all of which describe weapons of mass destruction, the likes of which humanity has experienced in the last 4-5 years, in violation of international treaties, and in violation of the most basic of our protected human rights?

I hereby assert and affirm that the agencies that investigated me for more than two years, with no Miranda rights, and no admission that they were on a witch hunt for potential violations of statutory criminal acts, as opposed to injury to a man or woman (corpus delecti), are unconstitutional. These huge agencies with layer upon layer of unconstitutionally delegated police power to unmercifully investigate, with power of subpoena, under threat of contempt, have no authority at law within the enumerated powers granted to them in the organic Constitution by the Sovereign People. *Perry v. United States, 294 U.S. 330, 353 (1935)* "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government [while not in breach of fiduciary duty to the People], sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power. "...The Congress cannot revoke the Sovereign power of the people to override their will as thus declared.".

The Department of Health and Human Services (DUNS 112463521 operates through the Centers for Medicare and Medicaid Services (CMS). "CMS acts through fiscal agents called Medicare Administrative Contractors, or "MACs", which are statutory agents for CMS for Medicare Part B. The MACs are private entities that review claims and make payments to providers for services rendered to Medicare beneficiaries. The MACs are responsible for processing Medicare claims within their assigned geographic areas, including determining whether the claim is for a covered service." As I read this indictment and what I just wrote in this paragraph, I fail to find any aspect of these procedures that are authorized by the organic Constitution in their enumerated powers to the federal government. I also fail to see where privately-owned MACs have the authority to determine what is a covered service for a patient. It is also a violation of patient-physician privilege. MACs are not physicians, and they are not the ones who prescribe the care for the patient. MACs are practicing medicine without a license, a crime. Physicians take the oath to "do no harm." The only crime they can be accused of as it relates to this standard of care is that of some level of negligence or malpractice. As stated earlier, at common law, the government has no standing pursuant *to Hudson and Goodwin or Cruikshank*. I hereby assert that MACs are unconstitutional and foreclose upon any right to prosecute me as a result of any alleged violations within those codes or statutes.

In a recent Supreme Court ruling, *West Virginia V. EPA Environmental Protection Agency, 597 U.S. ___ (2022* the court found that "the proposed action of the CPP [federal government] fell under the "major questions doctrine", the Court decided that it required more specific Congressional approval to be implemented. Justice Roberts wrote that "certain extraordinary cases, both separation of powers principles and a practical understanding of legislative intent make us 'reluctant to read into ambiguous statutory text' the delegation claimed to be lurking there... To convince us otherwise, something more than a merely plausible textual basis for the agency action is needed. The agency instead must point to 'clear [constitutional and lawful] congressional authorization' for the power it claims."

Justice Neil Gorsuch wrote a concurring opinion that was joined by Justice Samuel Alito. Gorsuch wrote of the importance of the major questions doctrine, stating that "seeks to protect against 'unintentional, oblique, otherwise unlikely' intrusions on the areas of self-government, equality, fair notice, federalism, and the separation of powers." I'm guessing the supreme Court of the United States would have a hay day with the multi-layering of these agencies and a contract with a private agency with power of the purse and of overruling physician orders and prescriptions, with no medical license to practice medicine.

By what specific power can the federal government point to in the organic constitution that grants them the power to delegate such extraordinary powers to pseudo-governmental agencies that are nothing more than for-profit corporations with DUNS NUMBERS? And by what specific power can the federal government point to contract with private entities (MACs) to "review claims" or prescriptions from licensed medical doctors and then to determine if they are worthy of payment without being in violation of practicing medicine without a license? And by what specific power can the federal government delegate the power of review of doctor prescriptions, and of the patients' medical records in violation of physician-patient privacy?

SEC v. Jarkesy, Docket Number: 22-859 Date argued: 29 November 2023 heard oral arguments on November 29, 2023. **Justice Gorsuch affirmed that the Seventh Amendment is the law of the land and must be adhered to in cases where suits at common law exceed controversies of twenty dollars, they must be heard in a court that follows the common law. JUSTICE GORSUCH: "And that that's not enough to render it no longer a suit for purposes of the Seventh Amendment, right?" MR. FLETCHER; "Yes. I think, in context, Granfinanciera is talking about a proceeding that was in a bankruptcy court in the Article III setting. I think the Court's subsequent cases, including Oil States, [and] Heritage Reporting Corporation said, if you're permissibly in an Article III tribunal, then the Seventh Amendment doesn't have independent work to do. I apologize for misidentifying the case I was relying on." JUSTICE GORSUCH: "All right. But it – it would seem strange. And we don't usually say the government can avoid a constitutional mandate merely by relabeling or moving things around. It's – it's as much a violation to do something indirectly as it is directly, we usually say, right?"**

Although Justice Gorsuch singled out the Seventh Amendment's trial by jury Constitutional mandate, as it relates to the "SEC v. Jarkesy case" quoted above, of course, the entire Seventh Amendment is a mandate that cannot be abrogated, which includes "controversy" as not being a word that connotes, a crime, and the requirement for adjudication at common law.

As I asserted and affirmed earlier in these papers, *U.S. v. Hudson and Goodwin as well as Cruikshank found that the government had no jurisdiction in common law cases. U.S. v. Hudson and Goodwin also found that the federal government had no power to create crimes against the federal government. If this cause of action is to move forward, it must follow the common law as stated in the Seventh Amendment for common lawsuits in excess of twenty dollars, which are not criminal in nature. However, the government must first survive the*

hurdles of breach of fiduciary duty, treason, and fraud against the People. Chisholm v. Georgia (US) 2 Dall 419, 454. L L Ed, 440, 455 @ Dall (1793) pp 471-472 **"… at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects… with none to govern but themselves…"** ***Julliard v. Greenman, 110 U.S. 421*** **"There is no such thing as a power of inherent sovereignty in the government of the United States… In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."** ***By what authority does the federal government purport to assume jurisdictional authority when it has no constitutional mandate to delegate powers it does not have and when it is in breach of fiduciary duty, in fraud and in treason?***

The organic Constitution guarantees the People a trial by jury at the Seventh Amendment following the common law. In *Boyd v. United States, 116, U.S. 616, 635, states that* "It is the duty of the courts to be watchful for the Constitutional rights of the citizen ad against any stealthy encroachment thereon" *Downs v. Bidwell, 182 U.S. 244 (1901) states that* "It will be an evil day for American Liberty if the theory of a government outside supreme law finds itself lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution." "We judges have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would-be treason to the Constitution." Yet when one looks at the difference between a judge's jury instructions when following the common law, vis a vis following unconstitutional statutory jury instructions, the outcome, in many cases would be polar opposites. In a recent example of this phenomenon, I quote the following two options that I read from District Court Judge Aileen Cannon when she issued a jury instruction order in Jack Smith's classified documents case in one of President Donald Trump's current ongoing lawsuits:

OPTION 1 – Statutory jury instructions

"In a prosecution of a former president for allegedly retaining documents in violation of 18 USC Section 793(d), a jury is permitted to examine a record retained by a former president in his/here personal possession at the end of his/her presidency and make a factual finding as to whether the government has proven beyond a reasonable doubt that it is personal or presidential using the definitions set forth in the Presidential Records Act."

OPTION 2 – common law jury instructions

"A president has sole authority under the PRA to categorize records as personal or presidential during his/her presidency. Neither a court nor a jury is permitted to make or review a categorization decision. Although there is no formal means in the PRA by which a president is to make that categorization, an outgoing president's decision to exclude what he/she considers to be personal records from presidential records transmitted to the National Archives and Records Administration constitutes a president's categorization of those records as personal under the PRA"

There can be no doubt that the outcome in the case would be categorically different depending on which jury instruction is given to the jury. As stated earlier, the government is

silent upon which jurisdictional authority it presumed to obtain an indictment in this cause of action against me. The government must offer proof on the record of its jurisdictional authority if it intends to continue this prosecution, for the court to then issue its findings of fact and judicial decision. Is it proceeding under the Seventh Amendment trial by jury following the common law in a court of record and court of justice, wherein the judicial tribunal has attributes and exercises functions independently of the person of the magistrate/judge designated to hold the tribunal, or is it proceeding under maritime/admiralty/statutory/contract law? Preparation for trial, obviously would be quite different. *Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc.* Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689. "Judges are magistrates."

The organic Constitution requires a common law grand jury as the investigatory arm that determines, at arm's length, if an indictment is warranted. At common law, generally, it is the Sheriff who is entrusted to empanel the grand jury upon receipt of a statement from a man or woman alleging harm. The Grand Jury becomes then the investigatory arm to request additional evidence and eventually determines if a crime has been committed, and then issues its indictment/True Bill. But for the judge swearing in the grand jury, no attorneys are allowed to witness the proceedings. The entirety of the proceedings are to be conducted in secrecy and unhindered by external influence of any actual or presumed supervision via the mere presence of an attorney for the government in the room where the grand jury is conducting their investigation. *U.S v. Williams, (90-1972), 504 U.5., 36 (1992) Supreme Court Justic Scalia*.

As stated by Justice Scalia, in fact, and at law, a common law Grand Jury is wholly separate from the other three branches of government, and it operates fully independently as a buffer between the inevitable abuses of the federal government and the People. It is not to be tampered with in any manner whatsoever. *U.S. v. Williams* (90-1972), 504 U.S. 36 (1992). *Justice* Scalia: "Because the Grand Jury is an institution separate from the courts, over whose functioning the courts do not preside, we think it clear that, as a general matter at least, no such supervisory judicial authority exists... It is a constitutional fixture in its own right... The theory is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee between the government and the People. Although the Grand Jury normally operates, of course, in the courthouse and under the judicial auspices, its institutional relationship with the judicial branch has traditionally been, so to speak, at arm's length. [The] judges' [government's] direct involvement in the functioning of the Grand Jury has generally been confined to the constitutive one of calling the Grand Jury together and [the judge] administering their oaths of office... In its day-to-day functioning, the Grand Jury generally operates without

the interference of a presiding judge. It swears in its own witnesses and deliberates in total secrecy... Even in this setting, however, we have insisted that the Grand Jury remain free to pursue its investigations unhindered by external influence of supervision... Given the Grand Jury's operational separateness from its constituting court, it should come as no surprise that we have been reluctant to invoke the judicial [or executive] supervisory power as a basis for prescribing modes of Grand Jury procedure. Over the years, we have received many requests to exercise supervision over the Grand Jury's evidence taking process, but we have refused them all... because of the potential injury to the historic role and function of the Grand Jury in which laymen conduct their inquiries unfettered by technical rules."

The federal government has a duty to provide and to enforce the existence and use of common law grand juries, per the Fifth Amendment mandate, throughout the Republic both in federal courts, and in the courts of the several states. Not only do the federal courts not provide and enforce the use of the traditional grand juries as the fourth branch authorized to present True Bills and indictments, but the federal government has stealthily changed the format of the grand juries, via Rule 6 of the Federal Rules of Criminal Procedure, such that they are nothing more than puppets for the federal prosecutors to have carte blanche in indicting, as the saying goes: "a ham sandwich."

The sacred fourth branch of the Grand Jury is fully reserved for the People and protected by the Fifth Amendment. This blatant and unconscionable usurpation of the People's rights violates my Fifth Amendment and my Due Process rights. It also serves as prima facie evidence of breach of fiduciary duty to the Sovereign People because the federal courts have a sworn duty to enforce the mandates of the Constitution and to protect the rights of the Sovereign People as delineated in the organic Constitution and its Amendments. The federal government is in breach of fiduciary duty to the Sovereign People by ignoring, violating, and unlawfully legislating a new form of grand jury in violation of separation of powers. I repeat, *Mugler v. Kansas, 123 U.S. 623, 662*. "It is a fundamental principle in our institutions, indispensable to the preservation of public liberty, that one of the separate departments of government shall not usurp powers committed by the Constitution [Amendments] to another department."

The purpose of the common law grand jury is to act as a buffer between the over zealousness of the prosecution and the People. The common law grand jury is the people's forum, a fourth arm of the government, seating side by side the executive, judicial and legislative branches, with distinctly separate powers. The purpose of the grand jury is to protect the innocent from government abuse; to ensure the bad actors are accused and brought to justice; to audit every facet of government. The common law grand jury is run strictly by the People. No public servants, no attorney or government employees of any kind are involved. Justice Scalia wrote in *U.S. v. Williams, 112 S. Ct. 1735, 504 U.S 36, 118 L. Ed. 2d (1992):* "We the people have been providentially provided legal recourse to address the criminal conduct

of persons themselves entrusted to dispense justice." Justice Scalia confirms that the common law grand jury emanates its authority from the Bill of Rights, not from the body of the organic Constitution, especially the 5th and 7th Amendments. "Thus, citizens have the unbridled right to empanel their own grand juries and present True Bills of indictment to a court, which is then required to commence a criminal proceeding. Our Founding Fathers presciently thereby created a "buffer" the people may rely upon for justice, when public officials, including judges, criminally violate the law."

In contrast, Rule 6 of the Federal Rules of Criminal Procedure – The Grand Jury, monitors many procedures of the grand jury:

1- **The court rather than a Sheriff calls the grand jury.**
2- **The court selects alternate grand jurors.**
3- **The government may challenge the grand jury on the ground that it was not lawfully empaneled.**
4- **A party may move to dismiss the indictment of the grand jury.**
5- **The court appoints the foreman and the alternate foreman.**
6- **Attorneys for the government are present while the grand jury is in session.**
7- **Secrecy is eliminated as any number of people may disclose matters discussed while in session, including to government personnel.**
8- **The court may authorize and compel disclosure at a time and in a manner subject to any conditions that it directs of a grand juror.**

In other words, the statutory grand jury, under Rule 6, is nothing more than a rubber stamp for the prosecution. The vast difference between the common law grand jury and the statutory grand jury makes it clear that my natural and unalienable rights, as well as due process and protections under the 5th, 6th, 7th and 14th Amendments have been violated and deprived, causing undue harm, and entitling me to dismissal with prejudice ab initio.

In addition to the plethora of violations and breaches of fiduciary duty, fraud, treason, crimes against humanity perpetrated upon the People, of which I am a People, by the federal government, my basic unalienable rights have also been violated and deprived. All these deprivations and violations entitle me to dismissal with prejudice in accordance with these papers and the remedies sought herein.

1- **I was deprived of an organic Constitutionally protected right to a common law grand jury, which resulted in my then being subjected to unlawful investigations from unconstitutional agencies who have been given extraordinary powers, in violation of separation of powers, including investigatory powers, with subpoena or "police" power, under threat of criminal contempt, leading to the criminal indictment obtained from an unconstitutionally legislated statutory grand jury against me in this cause of action.**
2- **The deprivation of my Constitutionally protected right to a common law grand jury led to deprivation of my natural rights, to my due process rights, and to my rights under the Fifth Amendment to remain silent, by compelling me to surrender my private**

papers and documents, and mandatory interrogation via compelled interviews (mandatory self-incrimination) by subpoena power and threat of criminal contempt. *McAlister vs. Henkel, 201 U.S. 90, 26 S. Ct. 385, 50 L. Ed. 671; Commonwealth vs. Shaw, 4 Cush. 594, 50 Am. Dec. 813; Orum vs. State, 38 Ohio App. 171, 175 N.E. 876 Judge of the United States Ninth Circuit Court of Appeals James Alger Fee* "The privilege against self-incrimination [or exercise of any unalienable or protected right] is neither accorded to the passive resistant, nor to the person who is ignorant of his rights, nor to the one indifferent thereto. It is a FIGHTING clause. Its benefits can be retained only by sustained COMBAT. It cannot be claimed by attorney or solicitor. It is valid only when insisted upon by a BELLIGERENT claimant in person."

3- **The MAXIM "a man is innocent until proven guilty" is nothing but rhetoric when the government allows the splattering of our names all over social media upon indictment, causing a cascading effect of loss of reputation, and loss of my ability to continue my chosen career path of anesthesiologist by being forced to resign from the hospitals wherein I earned my living, for no probable cause other than unproven allegations of criminal behavior with no Constitutional common law victim (corpus delecti)! I have lost all opportunity to gain employment in my chosen career path as an anesthesiologist, rendering me effectively unemployable in my chosen career path. These unscrupulous tactics resulted in discrimination when I attempted to lease a home upon divorce, which was also a direct result of these unlawful charges brought against me. And it created a huge challenge to try and find related employment as a medical doctor who enjoyed a pristine career. When indictments become public record, and employers or landlords perform a background check, "innocent until proven guilty" offers no protection against discrimination in violation of my unalienable rights, my due process and my Fourteenth Amendment rights.**

4- **My unalienable right to travel at will whenever and wherever I please have been dramatically restricted by my having to ask "permission" to do something that is unalienably guaranteed to me under the Declaration of Independence, absent due process or conviction of a crime, and being compelled to surrender my passport. In fact, this right has also been denied to me because a for-profit agency (pre-trial parole office), acting under the Color of Law, arbitrarily denied me the ability to travel to a medically related conference of my choosing. By what authority can the federal government contract with an agency that monitors my travel prior to a conviction when, under common law, and the Declaration of Independence, I am "innocent until proven guilty/not guilty, with the unalienable right to travel?" Does that not rise to the level of false arrest? *Monroe v. Papa, DC, Ill. 1963. 221 F Supp 685*. "The fact the petitioner was released on a promise to appear before a magistrate [for an arraignment/trial], that fact is circumstance to be considered in determining whether in first instance there was a probable cause for the arrest." *Shapiro v. Thomson, 394 U.S. 618 April 21, 1969* "Further, the Right to TRAVEL... for private purposes can NOT BE INFRINGED. No permission is required to TRAVEL... The Right to travel is a common law unalienable Right as a natural right protected by the Declaration of Independence... life, liberty, and the pursuit of happiness."**

5- **My Second Amendment unalienable right that shall not be infringed, to bear arms was**

usurped and unlawfully stripped from me, with no due process, when I was compelled to divest myself of my arms and munitions, while being innocent until proven guilty, and with no probable cause that I might engage in any violent crimes. These deprivations of fundamental rights entitle me to dismissal with prejudice in accordance with these papers, and the lawful remedies sought herein.

With Respect to Order at Document Number 138

The tribunal enjoys almost draconian/tyrannical power to issue whatever order it so chooses. I am not at liberty to compel the tribunal to vacate its order, even if they violate my rights. The tribunal also enjoys the power to threaten criminal contempt at its discretion, even if it violates or deprives the ignorant People who are not cognizant of their superior rights as Sovereign, and that are entitled to defend, and to assert their protected rights. Julliard v. Greenman, 110 U.S. 421 "There is no such thing as a power of inherent sovereignty in the government of the United States... In this country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."

Man enjoys unlimited power to exercise his unalienable rights as delineated in the Declaration of Independence, the Bible, the Magna Carta, the Articles of Confederation, and protected under the organic Constitution, and its Amendments. Those liberties and rights are all precedent to the assumed rights of the tribunal, and those rights shall not be infringed. The exercise of those rights cannot be converted into a criminal act, such as criminal contempt charges for the exercise of those rights. I am entitled to due process under the law, which is included in the Amendments, and to all my other protected rights under the Amendments and the organic Constitution. *Shapiro v Thompson, 394 US 618, 22 L Ed 2d 600, 89 S Ct 1322.* Constitutional Law§ 101 - law chilling assertion of rights - 7. If a law [rule, regulation, code, statute, order] has no other purpose than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it is patently unconstitutional."

Referring to Document number 138, and from the above stated perspective I hereby Notice the Court/Tribunal of the following:

The court alleges I did not want to have counsel, and that I wanted to present my own testimony. To be clear, what I stated is that I did not want a B.A.R.-member attorney representing me. Once I realized that B.A.R.-member attorneys do not have a license to practice law; that they, by their oath, are officers of the court, and have no fiduciary duty to advocate for my natural and unalienable protected rights within the Declaration of Independence and the organic Constitution, specifically the Amendments; that their firstduty is to the court, and when there exists a conflict between my rights and the mandates of the court, they must subordinate my rights in favor of the court's rights; and

that they are only authorized to represent Wards of the Court, the mentally incompetent or minor
children, I was compelled to realize that B.A.R.-member attorneys act under the Color of Law, intentionally conceal the above material facts (a fraud), and they cannot defend me based upon my rights protected under the organic Constitution and endowed by my Creator as natural and unalienable rights, which can only be waived voluntarily, with full knowledge and disclosure. See 7 CORPUS JURIS SECUNDUM Section 4.

Therefore, I demanded that B.A.R.-member attorneys withdraw for cause, for fraud, for swindle, and for ineffective assistance of counsel as a protected right under the Sixth Amendment and under the Due Process Clause, under my constitutional right to Contract, plus my unalienable rights, itemized in the Declaration of Independence of Life, Liberty, and the Pursuit of Happiness.

The Sixth Amendment does not stipulate that I retain B.A.R.-member attorneys. *16 Am Jur 2d: 16 Am Jur 2d, Sec. 97; Bary v. United States* "Then a constitution should receive a literal interpretation in favor of the Citizen, is especially true, with respect to those provisions which were designed to safeguard the liberty and security of the Citizen in regard to person and property." It stipulates that I am entitled to the assistance of counsel.

I hereby correct the record and emphatically state that I am not waiving my right to assistance of counsel as a protected right. To prohibit me from assistance of counsel, in common law and per the Sixth Amendment as is a guaranteed right in a criminal proceeding, is affirmed in *McKaskle v. Wiggins*, *465 U.S. 168 (1984) even if I exercise my right to self-present.*

I hereby Notice the tribunal, that if I choose, at my sole discretion, to elect to be represented by B.A.R.-member attorney as a protected right, the B.A.R.-member attorney must appropriately follow the law of the land and my Constitutional right to assistance of counsel following the common law as the real law of the land. A "CODE" is NOT a law! – *In Re Self v. Rhay, Wn 2d 261*, in point of fact ... "The common law is the real law, the Supreme Law of the land, the codes, rules, regulations, policy and statutes are "not the law". "The Common Law is the real law, Supreme Law of the land. The codes, rules, regulations, policy and statutes are "not the law". They are the law of government for internal regulations, not the law of man, in his separate but equ[e]al station and natural state, a sovereign foreign with respect to government generally."

And I note that I retain all rights to assistance of counsel as stated in the Sixth Amendment; however, I hereby Notice the tribunal, that to restrict me to only representation by B.A.R.-member attorneys violates my Sixth Amendment right, and it constitutes fraud upon the court, fraud upon the People and fraud ab initio, by virtue of intentionally concealing the material fact that I am entitled to non-B.A.R.- member assistance of counsel. *Brotherhood of Trainmen v. Virginia State Bar (377 U.S. 1); Gideon v. Wainwright 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425* "Litigants may be assisted by unlicensed layman during judicial proceedings." *NAACP v. Button (371 U.S. 415), United Mineworkers of America v. Gibbs (383*

U.S. 715); Johnson v. Avery 89 S. Ct. 747 (1969) **"Members of groups who are competent nonlawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law."** **Deprivation of my choice of common law assistance of counsel, as stated in the Sixth Amendment, is a violation of my due process rights in the Fifth, Sixth, Seventh and Fourteenth Amendments, entitling me to dismissal with prejudice.**

Furthermore, it is unconstitutional to demand a "licensed B.A.R.-member attorney to represent at trial, and it is an intentional concealment of material fact to claim that only licensed attorneys can represent at trial because, as a matter of law, attorneys cannot be licensed. *Schware v. Board of Examiners,* 353 U.S. 238, 239 "The practice of law CAN NOT be licensed by any state/State." Additionally, the practice of law is an occupation of common right as stated in *Sims v. Aherns 271 S.W. 720 (1925)* "The practice of law is an occupation of common right." All B.A.R.-member attorneys receive is a certificate that approves them to appear in federal court, and a B.A.R.- member card from their respective state B.A.R.s. Neither one of these are licenses from an authorized agency of one of the several states. See *U.S. v. Throckmorton 98 US 61 Fraud Vitiates All.*

In the same document number 138, the court states that I was advised of the charges against me and the elements of each offense, and that I stated I understood the charges against me. Let the tribunal be Noticed herein that there was a gross mis-understand-Ing. What I stated is that I comprehend the words that were read to me, because I possess a good working knowledge of the plain English language as spoken by everyday men and women in this Republic. However, I do not understand the legalese trickery of words that are rampantly and surreptitiously used in the courts to deceptively fool the accused into tacit procuration or tacit acquiescence of the ambiguous statutes and codes.

I emphatically correct the record here by stating that I DO NOT UNDERSTAND those charges nor the accompanying penalties that were read to me, and I DO NOT CONSENT TO THESE PROCEEDINGS. While ignorance of the law is no excuse, I am not an employee of the corporation known as the UNITED STATES OF AMERICA Inc; I am not bound to understand or to be judged for violating any one of the hundreds of thousands of corporate bylaws, disguised under the Color of Law as statutes, rules, codes regulations, etc., that are the law of government for internal regulations, not the law of man. A "CODE" is NOT a law! – *In Re Self v. Rhay, Wn 2d 261*, in point of fact ... "The common law is the real law, the Supreme Law of the land, the codes, rules, regulations, policy and statutes are "not the law". "The Common Law is the real law, Supreme Law of the land. The codes, rules, regulations, policy and statutes are "not the law". They are the law of government for internal regulations, not the law of man, in his separate but equ[e]al station and natural state, a sovereign foreign with respect to government generally." I DO NOT UNDERSTAND, AND I DO NOT CONSENT TO ANY PART OF THESE TRIBUNALS.

Furthermore, the judge is compelled to refuse to proceed unless he has the approval of both parties. *Canon 3B(8)(b)* requires that the accused give consent for the judge to hear any

matters in this cause of action. I hereby state unequivocally and emphatically that I do not Consent to these proceedings, and I demand immediate dismissal with prejudice in accordance with the lawful remedies sought herein.

When I stated I would decide if I wanted to file an appeal when the case is over, at my discretion, that depends on whether this cause of action is adjudicated in an Article III court of record, court of justice following the common law, as prescribed in the organic Constitution, or in a maritime/admiralty/statutory/administrative/contract tribunal as described in Article III of the organic Constitution.

The court questioned if I knew the Federal Rules of Criminal Procedure that govern criminal cases in federal court. I stated I was in the "process of learning about these matters." Now that I have made some inroads in that subject, I am clear that federal courts can proceed as Article III courts, following the common law, or they can proceed in admiralty/administrative/maritime "laws". The rules, the procedures, and the elements of the law that must be met are distinctly different. One follows the common law and protects the natural unalienable rights of the accused, and the protected rights under the organic Constitution and its Amendments, of the accused following the common law. In that scenario, statutes, codes, regulations, and rules do not apply unless they are in full harmony with the enumerated powers granted to the de jure federal government. *See Marbury v. Madison*. The other follows the law of the seas, or contract law, wherein the organic Constitution does not apply. Both kinds of cases are heard in federal courts. Until there is a determination of which jurisdictional authority applies to this cause of action, FRCP are a moot point.

In document number 138, the court, using coercive and intimidation tactics attempted to instill fear in me so that I volunteer to accept a B.A.R.-member attorney, when the judge wrote about jury instructions and that an experienced attorney will know how to write jury instructions. In an early section I discuss jury instructions, however I will state the following again. Jury instructions are distinctly different depending upon whether the court follows Article III common law jury instructions, or statutory jury instructions following codes and statutes, which may abrogate the organic Constitution. In a Court of Record, court of justice following the common law, Jurors operate independently of the judge, and they are not beholden to statutes, codes etc., unless those codes, rules, statutes etc. do not abrogate the rule of law as established by the organic Constitution. Jurors exclusively determine the applicable laws, and they independently determine the relevant facts; they directly, unfettered, ask questions of the witnesses during the proceedings, and they determine the outcome of the proceedings with no review from the judge. *Samuel v. Chase, U.S. supreme Court Justice 1796. Signer of the unanimous Declaration*. "The jury has the right to determine both the law and the facts." I refer you back to page to pages 23-24 for an excellent example of the difference between statutory jury instructions, and Article III common law jury instructions written by Federal Court Judge Aileen Cannon's jury instructions which she offered on March 20, 2024, in one of President Trump's causes of action.

As a matter of law in an Article Ill Court-of-Record following the common law, it is the Jury that has the exclusive authority and absolute mandate to determine the law and the facts in the controversy. And it is the jury that freely asks questions of all parties in the cause of action. *Samuel Chase, U.S. supreme Court Justice,* 1796, *Signer of The unanimous Declaration [of Independence]* "The jury has the right to judge both the law as well as the fact in controversy." The phrase, "the right" must be construed liberally in favor of the accused and according to tradition. Traditionally, it was the jury that determined the law and the facts of the case. The judge was merely there to provide a proper forum for adjudication between the prosecutor and the jury. *Stringe rv. Car Data System, Inc. 314 Or* 576, *841 P2d 1183 (1992).* Pleadings [proceedings] are to be liberally construed, so as to disregard any error or defect that does not affect the substantive rights of the adverse party.

The court states that an attorney knows how to preserve issues if the case is appealed to ahigher court. As stated earlier, B.A.R.-member attorneys owe no duty to the accused, and they cannot advocate for my organic Constitutional rights. They can only preserve matters of statutes, codes, rules, regulations, etc. which may not stand in the higher courts because the higher courts view appellant's claims from the view of constitutional deprivations and violations.

The court advises me of the "dangers and disadvantages attached to self-representation, "When one follows the common law, by definition, it is a law so simple that even a third grader would know how to keep out of danger... mainly... by telling the truth, and following Biblical principles, which is the basis for the common law. *Andrew Jackson, Seventh President of the United States*. "The Bible is the Book upon which this Republic rests."

***Noah Webster*, "The moral principles and precepts contained in the Scriptures ought to form the basis of all our civil constitutions and laws. All the miseries and evils which men suffer for vice, crime, ambition, injustice, suppression, slavery, and war, proceed from their despising or neglecting the precepts contained in the Bible." Besides, what greater danger and disadvantage is there than to be represented by a B.A.R.-member attorney who owes no allegiance to me, the accused, and who has committed fraud via intentional concealment of material facts as to the true nature of the relationship between him and me, by secretive and unlawful omission, and who has already exposed me to deprivation of my constitutional right against self-incrimination, among other deprivations and violations? McAlister vs. Henkel, 201 U.S. 90, 26 S. Ct. 385, 50 L. Ed. 671; Commonwealth vs. Shaw, 4 Cush. 594, 50 Am. Dec. 813; Orum vs. State, 38 Ohio App. 171, 175 N.E. 876 *Judge of the United States Ninth Circuit Court of Appeals James Alger Fee* "The privilege against self-incrimination is neither accorded to the passive resistant, nor to the person who is ignorant of his rights, nor to the one indifferent thereto. It is a FIGHTING clause. Its benefits can be retained only by sustained COMBAT. It cannot be claimed by attorney or solicitor. It is valid only when insisted upon by a BELLIGERENT claimant in person."**
The court warns and threatens sanction and loss of my right to self-present if I

"misbehaved or disrupted court proceedings." Let the record reflect that I object to the doctrine of Parens Patraie as being unconstitutional; I am not a minor; I am also not of unsound mind; I am not incompetent, and I am not a Ward of the State, as defined in 7 CORPUS JURIS SECUNDUM Section 4. I am a competent Sovereign, natural living Man that owes no duty to the state. *HALE v. HENKEL 201 U.S. 43 at 89 (1906)* was decided by the united States Supreme Court in 1906. The opinion of the court states: "The "individual" may stand upon "his Constitutional Rights" as a [State] Citizen. He is entitled to carry on his "private" business in his own way... "His power to contract is unlimited." [i.e. opting to independent contractorship instead of typical employment]. He owes no duty to the State[federal government] or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate (sic) him. He owes no duty to the State [federal government], since he receives nothing therefrom, beyond the protection of his life and property. "His rights" are such as "existed" by the Law of the Land (Common Law) "long antecedent" to the organization of the State [federal government]" and can only be taken from him by "due process of law", and "in accordance with the Constitution." "He owes nothing" to the public so long as he does not trespass upon their rights." Suppressive, coercive, and intimidating threats are unconstitutional (14th Amendment and Due Process under Fifth Amendment). When one is exercising his constitutional rights, the court is barred from turning a right into a criminal or otherwise offense.*" Simmons v. United States*, 390 U.S. 377 (1968) "The claim and exercise of a Constitution right cannot be converted into a crime"... "a denial of them would be a denial of due process of law."*

The court sets forth arbitrary rules and regulations regarding the manner and form in how I must submit my papers. However, the law states that if my papers include substantive arguments, the way they are presented to the court is immaterial. To deprive me of presenting my papers in any manner I choose is a constitutional violation of my right to defend, and my opportunity to be heard. *Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals* The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

The not-guilty plea that was extrapolated from me, was done so via fraud, with no valid consent, or valid contract, under coercion, duress and under threat of imprisonment for crimes that do not exist in the common law and are not enumerated in the de jure Constitution. Therefore, I hereby unconditionally rescission all powers of attorney I may have unknowingly granted to B.A.R.-member attorneys, via tacit procuration and tacit acquiescence. I also unconditionally rescission the unlawfully obtained plea of "not guilty." Additionally, a plea of not guilty is a statutory fiction that is not recognized when one follows the common law. It was likewise obtained under fraud via intentional concealment of these material facts. I hereby replace this unlawful plea with that of declaring my innocence to having committed statutory crimes that are unlawfully being adjudicated in this tribunal since they do not exist under the common law, and since the federal government has no authority as a plaintiff pursuant to *U.S. v. Hudson and Goodwin;* the federal government is in

breach of fiduciary duty to the People, and has acted in treason, and to be adjudicated under those statutes and codes requires my consent, which I emphatically refuse to grant. I DO NOT CONSENT TO THESE PROCEEDINGS. *Cruden v. Neale, 2 N.C. 338 (1796) 2 S.E U.S. SUPREME COURT DECISION* – 1796 – "There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellow man without his consent."

Let the record reflect that I, Scott Taggart Roethle, am not an artificial person, nor a corporate construct. *The presumption of death is hereby refuted*. I, Scott Taggart Roethle, am a living natural, Sovereign man, sole possessing, created of flesh and blood, and created in the image of my Almighty God. *See Certificate of Live Birth of Scott Taggart Roethle as EXHIBIT 8.* Therefore, the federal government, a dead entity, cannot contract with me or hold me as surety for government debts that were not created by me, nor did I agree, via valid contract to pay for them, or be held as surety for them. The named defendant, SCOTT T. ROETHLE is the entity named in the indictment, and I am his authorized agent and the co-beneficiary of the Trust, which is the subject of this cause of action. You are hereby authorized to collect from the PCT, by my appointment, via IRS Form 56, of each prosecutor/government servant touching this cause of action, as the Trustee, of the PCT Trust of which I am co-beneficiary. Upon the government providing me with the full accounting, the True Bill, and upon my review and approval, I will authorize and subrogate so that you can lawfully proceed with payment of ALL debts lawfully incurred, and any debts brought forth by any valid corpus delecti who might bring forth via affidavit said claim for me to review its validity, and approve, if so warranted. Please see the damages I am demanding at the end of these papers. Please see *EXHIBITS A, B, C (Cancellation of Powers of Attorney, Debt Discharge, and Schedule of Transgression of Fees).* Proof of mailing of said numerous IRS From 56 to the IRS shall be made available to the presiding judge via registered mail along with a cover letter.

I declare, affirm, and summarily rebuke, reject, and rebut all THE TWELVE PRESUMPTIONS OF COURT for depriving me of due process, and for surreptitiously, with intentional concealment of material facts, committing fraud, which entitles me to dismissal with extreme prejudice in accordance with the pleadings and the remedies sought herein.

1) **Presumption of Public Record REBUKED**
2) **Presumption of Public Service REBUKED**
3) **Presumption of Public Oath REBUKED**
4) **Presumption of Immunity REBUKED**
5) **Presumption of Summons REBUKED**
6) **Presumption of Custody REBUKED**

7) **Presumption of Court as Guardians REBUKED**
8) **Presumption of Court of Trustees REBUKED**
9) **Presumption of *Government acting in two roles as Executor and Beneficiary* REBUKED**
10) **Presumption of Executor de Son Tort REBUKED**
11) **Presumption of Incompetence REBUKED**
12) **Presumption of Guilt REBUKED**

1. The Presumption of Public Record is that any matter brought before a lower Roman Courts is a matter for the public record when in fact it is presumed by the members of the private Bar Guild that the matter is a private Bar Guild business matter. Unless openly rebuked and rejected by stating clearly the matter is to be on the Public Record, the matter remains a private Bar Guild matter completely under private Bar Guild rules; and REBUKED

2. The Presumption of Public Service is that all the members of the Private Bar Guild who have all sworn a solemn secret absolute oath to their Guild then act as public agents of the Government, or "public officials" by making additional oaths of public office that openly and deliberately contradict their private "superior" oaths to their own Guild. Unless openly rebuked and rejected, the claim stands that these private Bar Guild members are legitimate public servants and therefore trustees under public oath; and REBUKED

3. The Presumption of Public Oath is that all members of the Private Bar Guild acting in the capacity of "public officials" who have sworn a solemn public oath remain bound by that oath and therefore bound to serve honestly, impartiality and fairly as dictated by their oath. Unless openly challenged and demanded, the presumption stands that the Private Bar Guild members have functioned under their public oath in contradiction to their Guild oath. If challenged, such individuals must recuse themselves as having a conflict of interest and cannot possibly stand under a public oath; and REBUKED

4. The Presumption of Immunity is that key members of the Private Bar Guild in the capacity of "public officials" acting as judges, prosecutors and magistrates who have sworn a solemn public oath in good faith are immune from personal claims of injury and liability.

Unless openly challenged and their oath demanded, the presumption stands that the members of the Private Bar Guild as public trustees acting as judges, prosecutors and magistrates are immune from any personal accountability for their actions; and REBUKED

5. The Presumption of Summons is that by custom a summons unrebutted stands and therefore one who attends Court is presumed to accept a position (defendant, juror, witness) and jurisdiction of the court. Attendance to court is usually invitation by summons. Unless the summons is rejected and returned, with a copy of the rejection filed prior to choosing to visit or attend, jurisdiction and position as the accused and the existence of "guilt" stands; and REBUKED

6. The Presumption of Custody is that by custom a summons or warrant for arrest unrebutted stands and therefore one who attends Court is presumed to be a thing and therefore liable to be detained in custody by "Custodians". [This includes the dead legal fiction non-human "PERSON" that corporate-governments rules and regulations are written for.*] Custodians may only lawfully hold custody of property and "things" not flesh and blood soul possessing beings. Unless this presumption is openly challenged by rejection of summons and/or at court, the presumption stands you are a thing and property and therefore lawfully able to be kept in custody by custodians; and REBUKED

7. The Presumption of Court of Guardians is the presumption that as you may be listed as a "resident" of a ward of a local government area and have listed on your "passport" the letter P, you are a pauper and therefore under the "Guardian" powers of the government and its agents as a "Court of Guardians". Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by default a pauper, and lunatic and therefore must obey the rules of the clerk of guardians (clerk of magistrates court); REBUKED

8. The Presumption of Court of Trustees is that members of the Private Bar Guild presume you accept the office of trustee as a "public servant" and "government employee" just by attending a Roman Court, as such Courts are always for public trustees by the rules of the Guild and the Roman System. Unless this presumption is

openly challenged to state you are merely visiting by "invitation" to clear up the matter and you are not a government employee or public trustee in this instance, the presumption stands and is assumed as one of the most significant reasons to claim jurisdiction - simply because you "appeared"; and REBUKED

9. The Presumption of Government acting in two roles as Executor and Beneficiary is that for the matter at hand, the Private Bar Guild appoint the judge/magistrate in the capacity of Executor while the Prosecutor acts in the capacity of Beneficiary of the trust for the current matter. Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by default the trustee, therefore must obey the rules of the executor (judge/magistrate); and REBUKED

10. The Presumption of Executor De Son Tort is the presumption that if the accused does seek to assert their right as Executor and Beneficiary over their body, mind and soul they are acting as an Executor De Son Tort or a "false executor" challenging the "rightful" judge as Executor. Therefore, the judge/magistrate assumes the role of "true" executor and has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged by not only asserting one's position as Executor as well as questioning if the judge or magistrate is seeking to act as Executor De Son Tort, the presumption stands and a judge or magistrate of the private Bar guild may seek to assistance of bailiffs or sheriffs to assert their false claim; and REBUKED

11. The Presumption of Incompetence is the presumption that you are at least ignorant of the law, therefore incompetent to present yourself and argue properly. Therefore, the judge/magistrate as executor has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged to the fact that you know your position as executor and beneficiary and actively rebuke and object to any contrary presumptions, then it stands by the time of pleading that you are incompetent then the judge or magistrate can do what they need to keep you obedient; and REBUKED

12. The Presumption of Guilt is the presumption that as it is

presumed to be a private business meeting of the Bar Guild, you are guilty whether you plead "guilty", do not plead or plead "not guilty". Therefore, unless you either have previously prepared an affidavit of truth and motion to dismiss with extreme prejudice onto the public record or call a demurrer, then the presumption is you are guilty and the private Bar Guild can hold you until a bond is prepared to guarantee the amount the guild wants to profit from you. REBUKED

Any ruling inconsistent with the above affirmations, assertions, declarations, and authorities cited herein shall be construed as prima facie evidence of deprivation and violation of my natural and unalienable right to Due Process, which is also protected in the Fifth Amendment of the organic Constitution, and deprivation of my rights under the Sixth, Seventh and Fourteenth Amendments to a literal interpretation of the organic Constitution, which guarantees a trial by jury following the common law, and a common law interpretation of the financial dispute/controversy, which is a civil dispute at common law. As a matter of law, and the limited powers of the organic federal government, all common law crimes are reserved for the several states, but for the crime of counterfeiting, which is reserved for the organic federal government. 16*Am Jur 2d:* 16*Am Jur 2d,* Sec. 97; *Bary v. United States* "Then a constitution should receive a literal interpretation in favor of the Citizen, is especially true, with respect to those provisions which were designed to safeguard the liberty and security of the Citizen in regard to person and property." *16 Am Jur 2d,* Sec *114:* "As to the construction, with reference to Common Law, an important cannon of construction is that constitutions must be construed to reference the Common Law." "The Common Law, so permitted destruction of the abatement of nuisances by summary proceedings and it was never supposed that a constitutional provision was intended to interfere with this established principle although there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England, adopted in the several states. In interpreting the Federal Constitution, recourse may still be had to the aid of the Common Law of England. It has been said that without reference to the common law, the language of the Federal Constitution could not be understood." *Cooper v. Aaron, 358 U.S. 1, 78* S. *Ct. 1401 (1958).* "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it. The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents." "The individual, unlike the corporation, cannot be taxed[prosecuted] for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but, the individual's rights to live [in liberty] and own property are natural rights for the enjoyment of which an excise [financial crime] cannot be imposed."

While I am not at liberty to demand this court compel discovery, given that the court summarily denied my motion for reconsideration so that I could compel the government to produce discovery it was asked to produce on at least two other occasions by my former counsel, I can object to the court's denial at document number 151 that simply DENIED with no findings of fact. I am therefore adding to the record that I am exercising my right to due process and to discovery that was withheld by the government, to include no corpus delecti, as required by the organic Constitution at common law, and an unalienable right under the Declaration of Independence. No firsthand witness, and no firsthand testimony from lawful witnesses, at common law, prevents the government from proceeding against me. Therefore, I am stating that I object to the denial at document number 151, of my request for a longer period for continuance so that I can compel the government to produce documents, and I am once again, demanding dismissal with prejudice for deprivation of unalienable rights.

I have included herein a copy of the MOTION TO COMPEL DISCOVERY AND DISCLOSURE OF EXCULPATORY AND IMPEACHMENT EVIDENCE that was submitted to this court in September 2022 to be incorporated herein because the government never fully complied, which is why I needed a continuance to reassert compulsion to comply, and to add other discovery that is compulsory such as corpus delecti, as stated earlier. I hereby demand a response to each numbered item at document number 54, inclusive of the sub-letters within some of the numbers. Please either comply by emailing me the requested discovery or explain why you are not complying. I once again request, per my organic Constitutional right at common law a list of the corpus delecti and a copy of the original witness statements from each man or woman that the government relied upon to obtain the indictment. See EXHIBIT 9

For all the stated assertions and affirmations made herein, the de facto federal government fails to state a valid claim; thus, deprivation of my unalienable rights strips the federal government and this tribunal from their unlawfully presumed and assumed jurisdictional authority, and entitles me to:

1) **Immediate dismissal with prejudice of all charges against me in this cause of action.**
2) **Removal of all slander from all social media, and the restoration of my good name by sealing from the records and from the public domain any mention of my name in connection with any of the allegations in the indictment**
3) **Payment for damages in the amount of $90 million dollars USD payable immediately upon issuance of Order of dismissal with prejudice in accordance with these papers, with proof of filing of Form 56, forthcoming from me, via registered mail to the presiding judge, along with cover letter,**

to include Subrogation, as stated earlier in these papers.

4) **ALL securities created to be claimed by the Co-beneficiary – Scott Taggart Roethle and awarded forthwith.**
5) **Reimbursement of attorney fees in the amount of $302, 918.52 for wonton misconduct by the government for bringing forth this unconstitutional cause of action against me; for the wonton misconduct of my former attorneys, to include fraudulent intentional concealment of material facts, failure to protect my unalienable and protected rights under the organic Constitution, fraud upon the Court and fraud upon the People, including breach of fiduciary duty to me and to the People, Barratry, swindle via wonton misrepresentation of the attorneys' true relationship with me, for fraud regarding lack of license to practice law on the part of both my attorneys and the prosecutors, for failure to uphold the organic Constitution, and other matters at law stated within these papers.**

Remaining in full Honor and Peace, I hereby move this Court to dismiss this cause of action in accordance with these papers and with the lawful remedies sought herein.

This being an Affidavit of Truth *and* asserting Constitutional deprivations and violations, as well as demanding proof on the record of basis for the government having assumed jurisdictional authority, as a matter of law, *requires a response by the government, point- for-point, within seven (7) days*, *or* a ruling beforehand, granting me dismissal with prejudice in accordance with these papers and lawful remedies sought herein by this court. MAXIM: Unrebutted Affidavit of Truth in Commerce is Judgment. "Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading... We cannot condone this shocking behavior [by the IRS]. Our [revenue] legal system is based on [justice and truth] [the good faith of the taxpayer] and the [accused] [taxpayers] should be able to expect the same from the government in its enforcement [and collection] activities." U.S. v. Tweel, 550 F.2d 297,299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

Respectfully signed for filing, this 8th day of April, in the year of our Lord, 2024.

Scott Taggart Roethle Scott Taggart Roethle

KANSAS NOTARY ACKNOWLEDGEMENT

STATE OF KANSAS
COUNTY OF JOHNSON

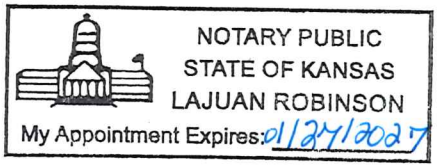
This instrument was acknowledged before me on the 8th day of April in the year of our Lord, 2024 by Scott Taggart Roethle, an individual.

Signature LaJuan Robinson

Name: LaJuan Robinson

Title: CSTA 2

Commission: January 27, 2027



CERTIFICATION OF SERVICE ON NEXT PAGE

CERTIFICATION OF SERVICE

On this 9th day of April in the year of our Lord, 2024, I sent, via registered mail, the papers within this document to the following:

Nathan Graves, Clerk of Court
US District Court Eastern Dist MO
111 South 10th Street
St Louis, Missouri 63102

Honorable Ronnie L. White
Thomas Eagleton US Courthouse
111 South 10th Street
St Louis, Missouri 63102

Governor Michael Parson
Capitol Building, Room 216
P.O. Box 720
Jefferson City, Missouri 65102

Andrew Bailey, Missouri Attorney General
Supreme Court Building, 207 W. High
P.O. Box 899
Jefferson City, Missouri 65102

Donald J. Trump, President of the United States
1100 South Ocean Blvd.
Palm Beach, Florida 33480

Merrick Garland, US Attorney General
US Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Scott Taggart Roethle Scott Taggart Roethle